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Security Council

Fifty-fifth Year

Provisional

4128th Meeting
Monday, 17 April 2000, 3 p.m.
New York

President:	Mr. Axworthy	(Canada)
Members:	Argentina	Mr. Listre
	Bangladesh	Mr. Ahmed
	China	Mr. Wang Yingfan
	France	Mr. Levitte
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Andjaba
	Netherlands	Mr. Scheffers
	Russian Federation	Mr. Gatilov
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

General issues relating to sanctions

00-39413 (E)

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The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

General issues relating to sanctions

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Bulgaria, Cuba, Germany, Iraq, Italy, the Libyan Arab Jamahiriya, New Zealand, Pakistan, Portugal, Sweden, the former Yugoslav Republic of Macedonia and Turkey, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Wensley (Australia), Mr. Sotirov (Bulgaria), Mr. Dausá Céspedes (Cuba), Mr. Kastrup (Germany), Mr. Hasan (Iraq), Mr. Vento (Italy), Mr. Babaa (Libyan Arab Jamahiriya), Mr. Powles (New Zealand), Mr. Ahmad (Pakistan), Mr. Monteiro (Portugal), Mr. Norström (Sweden), Mr. Čalovski (the former Yugoslav Republic of Macedonia) and Mr. Göktürk (Turkey) took the seats reserved for them at the side of the Council Chamber.

The President: If I hear no objection, I shall take it that the Security Council agrees to extend an invitation to the Permanent Observer of Switzerland to the United Nations to participate in the discussion, without the right to vote.

There being no objection, it is so decided.

At the invitation of the President, Mr. Staehelin (Switzerland), took the seat reserved for him at the side of the Council Chamber.

The President: Unless I hear any objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw attention to document S/2000/319, which contains the text of a note by the President of the Security Council concerning general sanctions issues, by which the members of the Council decided to establish on a temporary basis an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions.

I now give the floor to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

Mr. Prendergast: In recent years, Security Council sanctions imposed under Article 41 of the United Nations Charter have become a primary tool of peace enforcement. In a small number of cases, comprehensive sanctions have involved far-reaching trade and other economic measures. In others, sanctions have taken the form of arms and/or air embargoes, targeted travel bans or financial sanctions. However, difficulties in the implementation of sanctions regimes, especially those including economic sanctions, have raised doubts as to their effectiveness. Apart from the fact that measures are not always applied with the necessary determination, their often negative effects on civilian populations and on neighbouring and other affected third States, have made it imperative to consider improvements in their design. The Secretary-General has encouraged steps to make sanctions a less blunt and more effective instrument and has supported efforts to design better targeted measures.

If properly targeted, Security Council sanctions have the potential to play a major role in inducing compliance with resolutions of the Council. They may also be considered an instrument of prevention in those cases where they constitute a barrier to the spread of conflicts. They can restrict the inflow of weaponry and ammunition, as well as access to the hard currency necessary to fund continued fighting, and they can restrain the mobility of targeted individuals and decision-making elites.

Seeking to make its own contribution to the concept of "smart" sanctions, the Secretariat has undertaken a review of lessons to be learned from recent sanctions regimes. This review confirms the need to take steps to

protect, in humanitarian terms, the most vulnerable segments of populations from the effects of sanctions, while at the same time sharpening the targeting of sanctions so as to enhance their impact.

The review also illustrates that the effectiveness of sanctions regimes can be improved if they are endowed with a credible monitoring arm, possibly in cooperation with regional or subregional organizations. Moreover, there is a need for the Secretariat to be equipped with the necessary resources and specialized expertise if it is to administer the sanctions regimes effectively. The Security Council and its sanctions committees should be in a position to have available to them, when required, a comprehensive impact assessment of any given sanctions regime. This would make it possible to undertake necessary adjustments to the measures imposed in order to maximize their political impact and to minimize their collateral effects.

As regards the need to minimize the negative effects of sanctions, the Council may wish to consider including provision for humanitarian exemptions in relevant resolutions. The establishment of an appropriate mechanism able to provide the Council with periodic evaluations of the effectiveness of sanctions as well as their humanitarian, socio-economic and political impact may also be considered useful. The issue of the impact of sanctions on third States should be looked at in keeping with Article 50 of the Charter.

The Secretariat has provided substantive support to efforts by Member States to move in the direction of targeted or so-called "smart" santions. In addition to a range of other activities, it cooperated with the Organization for Security and Cooperation in Europe (OSCE) and the European Union in convening the Copenhagen Round Table, which took stock of lessons learned from the now-terminated sanctions regime in the case of the former Yugoslavia. The report of the Round Table, including its recommendations, was made available to members of the Security Council in document S/1996/776.

A number of conclusions and recommendations can be drawn from the lessons learned by the Secretariat.

First, the Security Council could facilitate the administration and implementation of sanctions regimes by developing greater clarity and uniformity of language and technical terminology in its resolutions. When financial sanctions are imposed, for example, the relevant resolutions could employ technical terms that conform to standard definitions in the global financial sector. Specific suggestions for such terms were developed as part of the Interlaken process organized by the Swiss Government in cooperation with the United Nations Secretariat.

Greater specificity of terms is equally important with regard to arms embargoes. To prevent loopholes that can be exploited by arms traffickers, it would be helpful if Security Council resolutions could specifically prohibit particular types of military equipment, military assistance programmes and military contract services. A registry of dual use technical products and services should be published for each arms embargo case. The registry could be derived from existing databases that have been developed as part of the Wassenaar Arrangement controlling proliferation of conventional arms.

Along with greater precision in technical terms, it would be helpful if Security Council resolutions could also specify criteria for the lifting or suspension of sanctions. By clearly spelling out in all cases the steps required for compliance, the Council would improve the prospects for inducing compliance and encouraging negotiations for the settlement of a dispute.

May I also say that whenever the Security Council imposes sanctions and establishes new sanctions committees, it would be helpful if the necessary resources should be made available. Forgive me for stressing this point, but without the necessary resources it will not be possible to implement and administer such regimes effectively. Budgetary allocations should include provision for securing the technical expertise necessary to conduct investigations or assessment missions and to support the monitoring and enforcement efforts of regional and sub-regional organizations.

Greater transparency and improved interaction with national authorities could further enhance the work of the sanctions committees. The committees have developed cooperative monitoring and enforcement arrangements with relevant regional organizations, such as the OSCE, the European Union and the Economic Committee of West African States (ECOWAS). Such arrangements should be considered with other bodies, when appropriate, with a view to improving the effectiveness of sanctions.

Developing more effective Security Council sanctions policies does require specialized staff to support the sanctions committees. This may seem a statement of the obvious. But I would nevertheless like to place on record that greater technical expertise and enhanced

analytical capacity would enable the Secretariat to manage a credible monitoring system, in cooperation with Member States and regional organizations, and periodically to assess the impact of the sanctions measures.

In our view, special attention should, be given to better and more reliable data collection and specific forms of expertise on international finance, arms transfers and commodities such as oil or diamonds. The investigation of sanctions compliance could be aided by the creation of permanent databases and registries on past sanctions violations. It could also be facilitated by direct relations with international financial institutions and regional banking agencies, competent regional inter-governmental and non-governmental organizations and also research centres.

May I now turn to the role of Member States. It is important to recall that national authorities bear the responsibility for enforcing sanctions measures imposed by the Security Council. However, Member States do often require advice and assistance in carrying out this responsibility. With the necessary resources, such advice and assistance could be provided, upon request, by the United Nations and by competent regional organizations. The Security Council would encourage State compliance by devoting greater attention to mitigating the negative effects of sanctions on civilian populations and third States. Providing support and inducements for neighbouring States would greatly enhance the potential effectiveness of sanctions.

The Security Council may also wish to consider taking steps to assist Member States, upon request, in developing greater legal authority and administrative capacity for implementing sanctions. Model language that could enable interested Member States to make the necessary adjustments in their domestic laws and regulations to permit compliance with Security Council sanctions was developed as part of the Interlaken process.

The need for greater capacity within States is especially acute with regard to the enforcement of Security Council arms embargoes. The Secretary-General's reports of 1998 and 1999 on the situation in Africa, as well as Security Council resolution 1196 (1998), urged Member States to enact legislation making violations of United Nations arms embargoes a criminal offence. This would be an essential tool for rendering arms embargoes effective.

That the Security Council has recently taken steps to address some of the needs of civilian populations in targeted countries is to be welcomed. The Council is now more inclined towards adopting "smart" sanctions which impose coercive measures on specific decision-making groups while avoiding direct impact on the vulnerable. There is also a widespread recognition of the need to minimize economic and social problems for third States, especially neighbouring States and those States that have significant trade relations with the target.

In our view it is essential that the United Nations system should develop a coordinated and integrated approach designed to minimize unintended consequences on civilian populations and third States. To this end, I would recommend that the Council consider authorizing the Secretariat to dispatch assessment missions to the targeted States and neighbouring countries either before sanctions are imposed or shortly thereafter. The aim would be to assess the likely unintended consequences of the sanctions and to propose measures that the Council and the United Nations system could take to minimize them. Suggestions for humanitarian exemptions and assistance programmes should be included in such assessment reports.

The Security Council may also wish to consider including in its resolutions provisions to address the impact of sanctions on non-targeted States and mitigate Article 50 concerns. Practical assistance arising from Article 50 could be addressed through special arrangements with individual neighbouring States and through donors' conferences to identify possible forms of financial assistance and support for non-targeted States.

In conclusion, may I say that the administration and effective implementation of sanctions regimes require the commitment of adequate resources. The resources to be made available should be weighed against the cost either of using military force or of doing nothing in the face of aggression and other threats to international peace and security. Security Council sanctions can be effective, but they will work only if the United Nations and its Member States are prepared to shoulder additional responsibilities and to develop the necessary capacity to ensure their monitoring and enforcement. Let me, in this context, recall the Secretary-General's appeal to the Millennium Summit, contained in the concluding chapter of his report for the Millennium Assembly, for us to resolve to adopt measures

> "to make economic sanctions adopted by the Security Council less harsh on innocent populations and more effective in penalizing delinquent rulers." (*A/54/2000/para. 365*)

The attention given to this issue, as others I have touched on this afternoon, by Member States in recent years presents us with an excellent opportunity to take up this challenge and to ensure that all sanctions imposed by the Security Council achieve their goals with a minimum of unintended consequences.

The President: I would like to thank Mr. Prendergast for his comprehensive briefing.

Mr. Ahmed (Bangladesh): Sanctions should remain the last option for ensuring compliance with Security Council decisions for maintenance of international peace and security. It is undeniable that a general feeling of unhappiness prevails about the way sanctions are being applied now. The Council's credibility is questioned if we do not do sanctions right. If they have little effect, or worse, if they continue to have the wrong and unintended effects on the innocent, that makes a strong case for the refinement of sanctions.

It is in this context that we welcome the initiative of constituting a working group for developing recommendations on how to improve the effectiveness of United Nations sanctions. We thank the delegation of Canada for its contribution in successfully leading the negotiations for finalizing the terms of reference for the group. We also deeply appreciate the personal interest which you, Mr. President, have shown in the matter.

Bangladesh supports the list of issues that should be taken up by the working group as contained in the draft terms of reference. For us, these issues of concern fall into four general categories. The first is how to design a sanctions regime that would be effective but at the same time would have minimal or no unintended effects. Our understanding is that comprehensive sanctions tend to have more unintended effects, and targeting is essential. The working group has to look into the details of how this general understanding can be translated into individual cases. We have to find more ways to ensure and encourage targeted States and non-State actors to comply. The question of humanitarian exemptions has to be looked into in a much more detailed manner than it has been so far.

The second category is how to strengthen institutional capacity to understand better what works and what does not, as well as to design, implement and monitor the sanctions regime effectively. It goes without saying that the capacity of the Secretariat needs to be strengthened, and here better coordination is useful. Assessments of the impact and effectiveness of sanctions on a regular basis is a must. The sanctions committees need to be energized more with the means to effectively monitor implementation and address alleged violations.

The third category is how to ensure adequate resources. The whole question of assessed or voluntary contributions should be addressed. The answer would not be clear-cut either for one or the other. We have to keep all sources in mind and look for inclusive solutions. If resources cannot be mobilized, the implementation of sanctions regimes will always remain imperfect.

The fourth category is how to involve United Nations Members and other actors more effectively. There is a need to provide United Nations Members with technical knowledge for updating or enacting national legislation and enhancing institutional mechanisms for monitoring and enforcement, in particular to prevent illicit arms traffic, impose travel bans and identify violations of financial sanctions. Cooperation among the United Nations, regional organizations and non-governmental organizations would doubtless be useful.

In conclusion, let me say that important work has been done in many of the areas identified in the draft note. The working group would have to work out the details and come up with useful and comprehensive recommendations. It is encouraging to know that the working group would be tapping the expertise and knowledge that exist both within and outside the United Nations system. We look forward to contributing to the work of the group.

The President: I thank the representative of Bangladesh for his kind words.

Sir Jeremy Greenstock (United Kingdom): We appreciate your presence, Mr. President, and your upfront leadership at this meeting.

We could have quite a long exchange about sanctions, but the analysis has been largely completed in the series of excellent seminars and workshops over the past two years and in academic works like *The Sanctions Decade* by Lopez and Cortwright. So what this session should do is lay the basis for a revised Security Council approach.

The case for the use of sanctions remains compelling. Apart from the threat of or the use of force, they are — in their full range, from travel bans at one end to comprehensive economic embargoes at the

other — the only coercive measure available to the international community to respond to threats to international peace and security. We need them to bring into line those States and regimes which breach the boundaries of acceptable behaviour, defy the international community and ignore diplomatic efforts.

It is essential for the Council to take the initiative to refine this powerful instrument and improve its effectiveness. The United Kingdom welcomes the decision of Council members to establish a working group to improve the effectiveness of United Nations sanctions. Their mandate is a challenging one. The working group should take account of the conclusions and recommendations of the series of seminars. The United Kingdom will not only play a constructive role in the group, we will be prepared, if Council colleagues approach the task in the same spirit, to acknowledge where the Council has underperformed in the past and where sanctions have failed to produce the right results. The Secretary-General said this morning at the International Peace Academy seminar,

> "Getting sanctions right has often been a lesser objective than getting sanctions adopted".

We have here an important opportunity to upgrade United Nations effectiveness in the maintenance of peace and security, to deter more powerfully those who are tempted to use force illegitimately to secure their political objectives and to alleviate the damaging side effects among the innocent and the vulnerable.

The United Kingdom will feed its detailed ideas into the working group. Briefly, sanctions regimes adopted by the Security Council should, ideally, present clearly defined and realistic objectives and a clear exit strategy; ensure consistent application by describing clearly the precise scope in terms of goods and services sanctioned; devise a workable mechanism to achieve the objective; provide for regular review of implementation; provide scope for flexibility and graduation up and down the scale in response to the target's reactions; set out effective arrangements for enforcement by all States, but especially neighbours, and take into account the resources and the national legislative action required; and, lastly, devise from the beginning ways of protecting the innocent from unintended consequences while maintaining the intended impact of the sanctions themselves.

There has been much discussion of "smarter" sanctions. I hope that modern technology will be able to help us in the financial arena. I rather suspect that the fox will be able to stay ahead of the hounds in this particular hunt, but it is a vital area. Since money is such a slippery commodity, let us see where we get to with diamonds and with arms. They will be difficult enough, as the case of Angola will show us. Again, the United Kingdom thanks Canada for the leadership it has shown in implementing sanctions against UNITA to provide us with momentum in our wider tasks.

The role of the sanctions committees is, as we have seen, the key. Their chairmen have a particular responsibility, but all Council members have to be prepared to put themselves out in support. We need experienced and energetic help also from the Secretariat, and the General Assembly must be prepared to authorize the resources necessary for a properly equipped and properly staffed sanctions unit headed by a senior officer. The system has to be capable enough to tap into national facilities for information and investigation. In the end, our aim must be to have as effective an international effort on sanctions-busting, including illegal arms flows, as we are beginning to have on drugs, terrorism and money-laundering. Does anyone think that is asking for too much?

I believe that if we invested in such an international capability on sanctions, and if Member States as a whole carried out their obligations in support, the United Nations Charter would be more widely respected in practice and conflicts would occur less frequently. We would all gain.

The President: I thank the representative of the United Kingdom for the kind words he addressed to me.

Mr. Cunningham (United States of America): My Government heartily welcomes this discussion of sanctions policy. Our shared objective should be the design and implementation of effective sanctions regimes that promote desired results. It is our hope that the informal working group on sanctions, which we are establishing today, will help us go in that direction.

Sanctions effectively designed and implemented offer an important instrument for the international community to use to counter threats to international order. They represent an alternative to even more coercive instruments, including military force. We should recognize without apology that sanctions themselves are clearly coercive measures. Neither military intervention nor the application of sanctions are undertaken lightly, nor should they be.

Members of the Security Council have a unique responsibility to promote peace and security. It remains an unfortunate and tragic characteristic of our time that some States, or elements within States, engage in activities that must be countered promptly and aggressively to protect those who are threatened or those who are unable to protect themselves.

We all agree, I think, that sanctions are not an end in themselves. They are a means, recognized in the Charter, of expressing the will of the international community to end unacceptable behaviour. To be effective in forcing behavioural change, sanctions must be credible and enforceable. Sanctions imposed for principally symbolic reasons are unlikely to change the behaviour of the sanctioned entity and may indeed undermine the overall viability of sanctions as an alternative to military force.

Today's discussion and our continuing work will be valuable if they promote agreement that can guide subsequent efforts to design and implement sanctions regimes that address the unique nature of specific threats to international security as they exist in reality. Any overly precise one-size-fits-all structure is destined to fail and will waste valuable resources. To be effective, sanctions regimes must be carefully tailored to the particular situation in which they are to be applied. That said, we can certainly identify a number of principles that will have relevance to any potential application of sanctions.

First, we agree, is the need to anticipate and minimize the unintended impacts of sanctions on elements of the population of the targeted State, on neighbouring States and even on other, far-removed, entities. The complete elimination of unintended impact is an impossible goal and hence not an aspiration that can be met. But the design and implementation of effective sanctions should consider the minimization, management and mitigation of unintended impacts, especially on vulnerable sectors of the population, while acknowledging that they cannot be eliminated entirely.

Next is the need to improve the capacity of the United Nations — especially the Security Council — and its Member States to implement sanctions regimes once they are imposed. The Canadian delegation, under the leadership of the Minister for Foreign Affairs, Mr. Axworthy, and of Ambassador Fowler, has stimulated innovative techniques in this regard, and we commend them for this. The Secretary-General and many others have made very valuable recommendations for improving sanctions implementation, and we look forward very much to working with them. At the same time, the commitment of national authorities to sanctions enforcement is obviously critical. Action by those authorities to address activities by sanctions violators within their borders should have high priority.

Thirdly, as we seek improvements to effectiveness and as we seek to minimize unintended impact, we should keep in mind that sanctions are designed to force an end to behaviours or policies judged to be unacceptable. The goal is compliance, and the requirements should be clear. To be effective, sanctions regimes must clearly enunciate the standards by which alterations to that unacceptable behaviour will be measured. The termination of sanctions should be directly and transparently linked to confirmation of the changed behaviour. In some cases, it may be possible and appropriate to link suspension or relaxation of elements of a sanctions regime to progress towards changed behaviour. In all cases, however, once sanctions have been imposed, it is essential to place the burden of proof regarding their suspension or termination where it properly belongs: on the demonstrated behaviour of the sanctioned entity. Just as sanctions must never be lightly entered into, they should not be terminated due to a lack of resolve, a lack of will or a lack of patience. For down that path lies a more dangerous future for many of the countries represented in this Chamber, a future in which the instruments available to the Council and to the international community are fewer and less credible.

The United States is fully committed to supporting the efforts of the Security Council's sanctions working group, the Secretary-General and others in a serious effort to analyse options, develop guiding principles, and monitor and adjust ongoing sanctions efforts. As that important process continues, we also remain firmly committed to ensuring that the Council retains its ability to act swiftly and with determination to counter current and future threats. The United States will be an active and engaged participant in a genuine effort to strengthen and streamline sanctions policy that supports the ability of the United Nations to meet its Charter obligations to enhance international peace and security.

Mr. Levitte (France) (*spoke in French*): I wish first of all to thank Mr. Kieran Prendergast for his very precise and specific statement; it constituted the best introduction to our discussion.

It is good that the issue of sanctions is today the subject of public debate in the Security Council. Our debate is an extension of the recommendations of the

General Assembly on this issue. It is particularly timely because the question of how best to hone the tool of sanctions to make it more effective is at present the subject of a number of seminars.

The Security Council has imposed sanctions 12 times since 1990, while it had done so only twice before then. Following what some have called the decade of sanctions, the Security Council is justified in attempting to assess the results of this policy and to formulate guidelines for the future.

Sanctions are a legitimate instrument whose use is governed by the Charter. They allow us, when faced with a threat to the peace, to take intermediate measures, between simple political pressure and the use of force. In other words, they allow the Council to demonstrate its determination that its decisions should be enforced, without going so far as to use armed force. It is thus essential to maintain the Council's capacity to have recourse to sanctions when necessary.

When used well, sanctions have proved to be an effective tool for achieving the aims the Council has set for itself. They played a significant role in South Africa's decision to abandon the apartheid regime. The imposition of sanctions against Libya led that country to cooperate with the legal systems of the countries concerned. The sanctions against UNITA contributed to isolating and weakening that movement. The Council is now trying to make these measures more effective and to see to it that they are universally applied. Lastly, for many years sanctions have obliged Iraq to comply with most of the demands stipulated in resolution 687 (1991).

We must nevertheless note that in many cases our Council has experienced failure. In particular, when excessively prolonged, comprehensive sanctions regimes have a human cost that outweighs the benefits the Council can expect. These sanctions are cruel to people and have little impact on leaders. The effects of comprehensive sanctions often run counter to the desired goal and permit leaders of targeted States to tighten their grip over society by virtue of the isolation in which their country is kept and the increased dependence of the population on the existing regime. Finally, these sanctions indiscriminately affect the regime's supporters as well as those trying to oppose it.

Comprehensive sanctions also have a negative impact on neighbouring States, whose cooperation is nevertheless indispensable. Our Council has often deplored the many violations of sanctions regimes. But we must also realize that this phenomenon is partly due to the fact that the economic impact of sanctions on third countries is not sufficiently taken into account. The case of Jordan in 1990 is the only example of a concrete decision by the Security Council to help a country face such difficulties. Too much embargo kills the embargo.

If sanctions sometimes have little effect, responsibility also lies with the institutional arrangements that accompany them, particularly at the United Nations. In this regard, we should consider how the Secretariat and the sanctions committee might do more and better in this area. It is first of all essential for the Secretariat to have the necessary expertise, especially with regard to the arms trade, financial assets and customs work. This requires an increase in its human and financial resources. It should be able to play a real role in making proposals and following up on them. The Secretariat should be in a position to assess the impact of sanctions and the humanitarian situation in targeted countries. It is not normal that after 10 years the Security Council has only scant information on the situation in Iraq.

The way committees work must also be modified. The rule of consensus is paralysing. Nothing in the Charter or in resolutions of the Council requires committees to take their decisions by consensus. The adoption of decisions by simple majority, at least for non-essential questions, could suffice. Transparency is also a concept that sanctions committees too often ignore. Third States and targeted States are not invited to speak before the committees. Measures were planned to that end but have not been applied. Proposals have been made but have been rejected by certain members. Even briefings by representatives of United Nations agencies are often problematic. It is essential that the practice of hearing outside speakers be the norm.

Well-founded criticism of sanctions might lead to an overall questioning of their legitimacy. We want to avoid this development because we believe in the relevance of this tool. So what can be done? France would like to propose three complementary approaches.

First, it would be wise not to use this instrument lightly. Sanctions must remain an instrument reserved for exceptional cases and only after other possibilities for peaceful settlement have been used. Gauging their impact — especially the economic and social effects — on civilians should be done systematically. We regret that this practice, which has been repeatedly recommended,

has never been implemented. Cases in which the imposition of sanctions is feasible must be strictly interpreted. The measures referred to in Article 41 of the Charter may be used only to maintain or restore international peace and security. For example, we are not in favour of sanctions being applied solely because it is alleged that certain States are not complying with sanctions decided upon by the Security Council. It is obviously imperative that all Member States of the United Nations comply with the sanctions regimes imposed by the Council, which are mandatory; but other, more effective means exist to enforce the Council's decisions. We should avoid increasing the number of sanctions regimes. The United Nations already has the greatest difficulty in securing compliance with those currently in force.

Secondly, we must take care that the measures decided upon are in proportion to the situation and that sanctions are adjusted with regard to developments in the political situations they are supposed to correct. It is therefore necessary to evaluate their appropriateness throughout the time they are in force. No sanctions regime can work if it does not encourage the targeted State to amend its attitude. The logic behind sanctions is not punitive, but rather to provide an incentive. We therefore believe it is essential to define beforehand clear criteria which, once met, would lead to an easing of sanctions. For sanctions to remain a credible instrument, the Security Council, or some of its members, must not give the impression that sanctions will remain in force regardless of the attitude adopted by the State concerned. Although it is indisputable that since 1990 Iraq has complied with some of its obligations, the Security Council has never seriously examined the possibility of reducing the sanctions against this country, although this is provided for in paragraph 21 of resolution 687 (1991).

Thirdly, the problem of the duration of the sanctions has to be addressed. Some sanctions have not been lifted even though the circumstances that caused them to be adopted no longer exist. Others are no longer applied, without this prompting any reaction from the Council. The credibility of sanctions suffers as a result.

In order to ensure periodically that the tool remains legitimate, sanctions should be decided on for a specific period. There should be a provision that at the end of this period the Council is invited to take a new decision to renew the sanctions. Experience has shown that the international community's support for certain sanctions regimes wanes because keeping them depends on the resolve of a very limited number of Council members. This can only strengthen the intransigence of the target State.

In conclusion, the Secretary-General's penetrating analysis in his millennium report, which I commend, should provide inspiration for the Security Council. The sanctions should be better targeted and be "intelligent". An effort has been made in a number of cases but "unintelligent" sanctions still persist. We hope that the Security Council's informal working group effectively chaired by Canada, which has drafted a code which we fully endorse, will be bolder not only with regard to future sanctions but also for those regimes still being applied.

The President (*spoke in French*): I thank the representative of France for his kind words.

Mr. Yel'chenko (Ukraine): I would like to start by expressing our satisfaction at seeing you, Sir, the Foreign Minister of Canada, a country which is a good friend and partner of Ukraine, presiding at a meeting of the Security Council. I would also like to express our appreciation to you and to the Government of Canada for your initiative to hold this important debate on the general issues of sanctions. Let me assure you of the full intention of my delegation to support you in bringing this discussion to a meaningful result.

The question of how to improve the work of the Council in the area of sanctions is not a theoretical one. The increased number of sanctions regimes and, as a result, the growing diversity of their forms and purposes make us take a critical look at the experience gained. Recent studies in this area show that the majority of the sanctions regimes imposed by the Security Council during the 1990s have had predominantly moderate to low, or even zero, political effectiveness. The time has come to carry out an analytical review of the existing policy and practices in the field of sanctions, to address specific issues of sanctions management and their effectiveness and to formulate general approaches to future decision-making on sanctions.

Ukraine shares the view that sanctions should not be a substitute for the established and recognized measures used for settling international disputes and resolving conflict situations. We believe that imposition of sanctions should follow, not precede, other peaceful means of settling disputes as provided under international law and the United Nations Charter. Sanctions, however, will and must remain a necessary and an important policy instrument in the hands of the Security Council. As stated in annex II to the well-known General Assembly resolution 51/242 "Supplement to an Agenda for Peace",

> "An effectively implemented regime of collective Security Council sanctions can operate as a useful international policy tool in the graduated response to threats to international peace and security."

At the same time, it is important to recognize that sanctions represent extreme measures. In some cases, they can potentially have effects equal to or even more severe than those of war.

These are important considerations that will guide the delegation of Ukraine in further deliberations of the Security Council on this issue. We hope that its outcome will further contribute to an effective and comprehensive approach to sanctions imposed by the Council. We need it if we want to encourage full cooperation and mutual assistance in the implementation and enforcement of sanctions regimes and other measures imposed under Chapter VII of the United Nations Charter. We need such an approach if we really want to minimize unintended effects of Council sanctions on both target and non-target States. And we need it, after all, to mobilize wider support by the whole international community, thus strengthening the powers and the authority of the Security Council and upholding its overriding responsibilities under the Charter.

More than a year ago the Council adopted the note of the President of 29 January 1999 containing a number of practical recommendations to improve the work of sanctions committees. Recently the Secretariat submitted to us information regarding the implementation of these recommendations. It clearly shows that not all of those recommendations, as moderate as they are, have been properly implemented, and there remains much to be done in this direction.

We note that many questions related to sanctions policy have been addressed in a number of forums, including at the non-governmental level. Certain important aspects of sanctions have been dealt with by the General Assembly. A substantial amount of work, including various symposia, seminars and research, has been done outside the United Nations system. One of the most recent examples is the First Expert Seminar on Smart Sanctions organized by the Bonn International Centre for Conversion. This morning many of us had an excellent opportunity to participate, at the initiative of the Canadian presidency, in a very interesting seminar on sanctions organized by the International Peace Academy. All such meetings undertake careful study of the most acute questions related to sanctions planning, management, implementation, et cetera, and produce very useful analytical reports. Nevertheless, this work should also be done in the framework of the Security Council. The focus of these activities should be shifted to the Council to debate and outline general policy in the field of sanctions.

This brings me to another point I would like to make. We need significant technical and administrative improvements within the United Nations system, as well as among Member States, to enhance sanctions management and effectiveness. We believe that this work should start with the Security Council itself. We also consider that unless a constant forum within the Council to address these issues is established, our efforts will remain fragmental and inconsistent.

This was the very idea behind our recent proposal to create a standing Security Council sanctions committee entrusted with the task of outlining the general policy in this field. We believe that such a body would become a most appropriate arrangement for the Council to deal with sanctions — if not for the immediate, but for a more distant perspective. While recognizing the extent of the practical implications of the implementation of this proposal, we hope that it will remain on the table as one of the open options.

In our view, the work of all Security Council sanctions committees should be assisted by a more substantive expertise on the part of the Secretariat. It should go far beyond the traditional functions of servicing of committee meetings and other procedural aspects. The problem of sanctions is generally recognized as a multidisciplinary issue. It is, first and foremost, an economic issue; it is a political issue, it is a military issue, and it is a humanitarian issue. Consequently, the Secretariat should be expected to provide expertise in all those areas, coupled with a qualified synthesis of all of them. The Secretariat should enhance its capacity to monitor sanctions and carry out analytical functions. This can be done in a number of ways, first of all through strengthening coordination between different parts of the Secretariat, without changing its structure or composition — for example, holding regular consultations, setting up task forces and working groups, and other ad hoc arrangements; through re-deployment, temporary or permanent, of staff from economic, humanitarian and disarmament units of the Secretariat to the Security Council secretariat; or through creating new posts or units within the Secretariat for these purposes.

In conclusion, I wish to reiterate our full support for the decision to establish a working group to address generic sanctions issues. Its mandate, which has been clearly set out in the presidential note adopted under the Canadian leadership, identifies a number of priority areas on which the Council will focus in the following months. We hope that sooner rather than later the work of this group will bring practical results. We look forward to participating in this very important endeavor. In our view, it should result in specific conclusions and recommendations in order to clarify the vision of sanctions.

The President: I thank the representative of Ukraine for his kind words addressed to me.

Mr. Andjaba (Namibia): My delegation welcomes you back to the Council, Mr. President, and we would like to express from the outset our appreciation for the important and, in a sense, ground-breaking role you are personally playing in promoting and developing the important issue that we are discussing today. I should also be remiss if I did not acknowledge the important and tireless work being done in this field by the General Assembly, your Government, Sir, and the Governments of Germany, the United Kingdom and Switzerland and other institutions. Just this morning, we were able to participate in an interesting and educative discussion on the effectiveness of sanctions, which was organized by the International Peace Academy.

Important as the process that we are studying today is, my delegation cannot but have a sense that it is coming almost too late, given the important function that sanctions play in the arsenal of the Security Council in its role of maintaining international peace and security. We firmly believe that as time passes and situations change, so our methods should change. When opportunities present themselves which would allow us to improve our work, we should be vigilant and ready to accept them immediately. At the same time, if things are not working well, we should be bold enough to admit it, and we should also be bold enough to make the necessary changes to improve the situation. Without a continuous and attentive evaluation process, the Council will be found unprepared and unable to effectively fulfil its mandate under the Charter.

As I said earlier, sanctions remain one of the most important tools available to the Security Council in the exercise of its mandate, but the range of sanctions regimes in place today have had mixed effects and results so far. Once the Council decides to adopt measures to impose sanctions, it demands strict compliance by all States to ensure effectiveness. However, deciding whether to continue to enforce sanctions becomes a moral dilemma when the unintended adverse humanitarian impact and the damage and losses caused to third parties begin to outweigh the political goals to be achieved. It is therefore essential that the design of sanctions regimes should rest on a clear policy framework and contain definite and precise conditions for the maintenance or lifting of sanctions. Not so long ago, in this very Chamber, during the discussion on the humanitarian situation in Iraq, the Secretary-General cautioned that, in that situation, the United Nations runs the risk of losing the propaganda battle as to who is responsible for the suffering of the Iraqi people — the Iraqi Government or the United Nations.

My delegation therefore fully supports the establishment of a Security Council working group to develop recommendations on how to improve the effectiveness of United Nations sanctions. We strongly believe that all aspects of sanctions should be considered and evaluated by the working group to enable the Council, in the end, to comprehensively address the issue.

Some of the important elements to be considered should include the capacity of the United Nations Secretariat, since its serious and sustained involvement can enhance the effectiveness of sanctions. While it already provides invaluable support to sanctions committees, some areas need to be strengthened. Its staff capacity needs to be dramatically strengthened to enable it to effectively cope with the tasks at hand. Another area is its ability to financially and logistically support visits by Chairmen of sanctions committees to affected regions. These visits have proved to be crucial in efforts to enhance the effectiveness of sanctions. The visits by Ambassador Fowler to southern Africa and Europe are prime examples in this regard.

Furthermore, recommendations with regard to humanitarian assessments before, during and after the imposition of sanctions, to determine the potential humanitarian impact and other negative unintended consequences, should be developed. In addition, practical measures to address the third-party impact of sanctions should be developed. These parties should be heard by the Council under the terms of Article 50 of the Charter, but the solutions should include the provision of special assistance to compensate for economic losses and adverse social impact, if such parties are to be expected to fully cooperate with United Nations sanctions.

The imposition of humanitarian exemptions would also be of significant importance and immediate remedial value. Such exemptions should apply to children, mothers and other vulnerable groups, and take account of religious considerations.

I have highlighted some of the aspects that, in my delegations's opinion, can improve the effectiveness of sanctions. However, history and numerous studies to date have proved that sanctions failures are caused by a combination of a wide range of factors.

Indeed, a review of the implementation of the sanctions against UNITA reveals very limited success, and this situation can be attributed to several factors. The Council will be asking the working group to investigate some of them. In retrospect, it can be seen that, in addition to being intransigent, UNITA deceived the Council many times through lying and false undertakings to abide by its obligations under the Lusaka Protocol. In this way, it effectively persuaded the Council not to implement wider sanctions earlier. On the other hand, non-implementation of sanctions by States and individuals presents a huge challenge to the Security Council.

A better monitoring and enforcement regime could have avoided this. Furthermore, a better and more reliable data collection system, earlier in the process, with regard to the huge influence of diamonds on the continuation of the war, could have helped the process. Assistance to Member States in the implementation of sanctions, in this and other sanctions regimes, would also greatly contribute to the effectiveness of sanctions.

Finally, my delegation believes that, with the information and strategies available to us today, the Council can obtain a better and more effective result with the implementation of sanctions. This is even more relevant since we intend to adopt a draft resolution on Angola, hopefully tomorrow, which will be aimed at strengthening the effectiveness of sanctions against UNITA.

The President: I thank the representative of Namibia for the very kind words he addressed to me.

Mr. Wang Yingfan (China) (*spoke in Chinese*): Sanctions, as a measure of coercion made available to the Council by the United Nations Charter, have been increasingly applied by this Organization in recent years, targeting more than 10 countries or entities. Some of these sanctions have managed to have certain effects, while the majority have fallen short of the expected results; in some cases, there have been severe consequences. It is therefore absolutely necessary to review and improve the use of sanctions. China supports the establishment of an informal working group to carry out a review of Council sanctions, to make an in-depth study of ways to improve them and to submit a report on this matter.

In our view, an in-depth study of the question of sanctions should focus on two main priorities. First, the practical effectiveness of sanctions must be enhanced. Prior to adoption, all aspects of the sanctions, in particular their effective monitoring, should be taken into full consideration. During the process of implementation, developments and problems concerning sanctions should be tracked closely and measures should be taken in a timely manner to help Member States to strengthen their implementation capability and to deepen cooperation and coordination between the countries and agencies concerned.

Secondly, we must work out concrete ways and means to address humanitarian consequences created by sanctions which have a direct humanitarian bearing on thousands of innocent civilians. The working group should conduct thorough assessments in this regard and come up with specific and feasible solutions in areas such as the expansion of humanitarian exemptions, prior analysis, retrospective evaluation, the adjustment of sanctions regimes in accordance with real situations during the process of implementation and the establishment of criteria for the suspension or lifting of sanctions.

Past experiences of the Security Council have demonstrated that sanctions may be able to help provide some solutions, but by no means in all cases. The Council cannot neglect the severe humanitarian problems brought about by sanctions. That is why China has consistently maintained that resort to sanctions should not be made easy. Needless to say, sanctions against a sovereign State by any country unilaterally and in the absence of authorization by the Security Council are far from appropriate.

It must also be pointed out that it takes time to address the drawbacks of sanctions. In a note by the President of the Council at the beginning of last year, a number of measures were proposed for improving work in this field. Unfortunately, some measures have not been fully put in place. The working group should really pay attention to the question of how to enhance the efficiency of sanctions committees, including how to optimize their

working procedures. Moreover, the working group should seriously consider the valuable suggestions and proposals made by many agencies and scholars, with a view to pooling wisdom and resources.

Mr. Hasmy (Malaysia): We are very pleased to see you, Sir, presiding over this meeting of the Council on this very important subject. I should like to commend Canada for putting this issue on the Council's agenda for this month in the context of its pursuance of the human security agenda.

While sanctions are not mentioned per se in the Charter of the United Nations, they are certainly a tool available to the Security Council, short of military force, to use against States whose policies and actions constitute a threat to the peace, breach of the peace or act of aggression. This is provided for in Article 41 of the Charter. However, because of the grave, unintended collateral impacts of all-encompassing sanctions, these measures have given rise to serious concern on the part of the international community. The challenge before the Council now is to design sanctions regimes that work effectively with minimal unintended collateral impacts and with the unqualified support of the international community.

We commend the efforts made by a number of countries, such as Switzerland, Germany, the United Kingdom and Canada, and, of course, the important seminar organized by the International Peace Academy this morning.

Malaysia, as a matter of principle, is against the imposition of sanctions on any country unless the Security Council, after careful consideration, has determined that the State or country in question is indeed a threat to the peace, is committing a breach of the peace or is guilty of aggression which requires the direct, collective response of the international community short of the use of military force. It is Malaysia's conviction that sanctions against a country and people should be resorted to only when all other peaceful measures have been exhausted and have failed. As an instrument of coercion, they should be used with great caution because of their unintended grave consequences to the innocent population of the targeted country. We also believe that before the imposition of sanctions there should be a pre-assessment report on the likely impact of the planned targeted measures. When sanctions are finally imposed, there should be a periodic evaluation of the sanctions and an early comprehensive assessment of their impact. These assessments provide an objective and scientific basis for an overall evaluation of the effectiveness or otherwise of the sanctions imposed by the Council. Such assessments are an invaluable and indispensable tool in assisting the Council to determine the appropriate steps that may be taken in respect of specific sanctions regimes.

In most instances, it has not been easy to effectively implement a sanctions regime except when it serves the particular interests of one or more of the permanent members of the Council — the sanctions on Libya and Iraq being the obvious cases in point. In these two instances, the sanctions were carried out with almost religious zeal. The recently imposed sanctions on Afghanistan — or, more specifically, the Taliban — would be another case in point since, again, without the required pre-assessment of the likely impact of the sanctions, a series of measures were decided upon by the Council through its resolution 1267 (1999) and additional measures, as contained in the presidential statement of 7 April 2000, are now being contemplated.

Sanctions, as provided for in the Charter, are meant to be provisional in nature and should be implemented accordingly — that is, provisionally and not permanently. Also, in their implementation, serious consideration should be given to exemptions on humanitarian grounds. It is regrettable that more often than not the Council is quick in imposing sanctions but slow in lifting them when the conditions that had prompted the sanctions are no longer in existence. The sanctions on Libya, which were only suspended and not lifted, are a clear case in point. Clearly, if sanctions are to secure the strong support of the international community, it is imperative that sanctions that have served their purpose be formally lifted by the Council.

With the exception of the sanctions on Iraq — the only existing comprehensive sanctions today — there is now a clear preference on the part of the Council to impose the so-called targeted sanctions whereby certain elites or groups of individuals or entities are targeted with a view to coercing them to comply with certain stipulated requirements or a general change of behaviour or policy before the sanctions can be lifted. This, clearly, is a more acceptable and humane form of sanctions. However, as in the case of comprehensive sanctions, there should be careful and exhaustive analyses of the likely impact of these targeted sanctions. Among the pertinent questions that should be considered in depth are those of the extent and location of the assets of the targeted elites, the kinds of measures that are likely to have the greatest impact on the intended targets and the positive elements that can be

built into the sanctions regime to motivate compliance by the targeted individuals or entity. Conditions for the lifting of the sanctions at the appropriate time should also be incorporated in the sanctions regimes.

Malaysia has serious reservations and will not support the imposition of sanctions beyond a time-frame that is necessary or feasible. This is because experience has shown that sanctions rarely work on the intended target or targets. Instead, they have brought unmitigated suffering on ordinary people. Sanctions directed at an elite or ruling class will have a direct and indirect effect on the population under their control in virtually every aspect of their lives, be it air travel, trade and commerce or other economic activities covered by the sanctions. This is because targeted elites do not live in splendid isolation; they live in societies. Indeed, sanctions sometimes have the unintended effect of entrenching or even strengthening the very targets they were intended to coerce. In the end, it is the innocent, ordinary people living in areas under their control that pay the price, not the intended target or targets. Hence the importance of ongoing assessment of the impact of sanctions, which should be modified if deemed necessary, or even lifted if they prove to be ineffective, so as to spare the people from further unnecessary hardship.

If sanctions are meant to be an alternative to military action, then surely their implementation must take cognizance of and respect the basic principles of international humanitarian law, such as the concept of "proportionality" in the damage inflicted, and the necessary distinction between civilian and military targets. There are also other international conventions and legal instruments that sanctioning authorities cannot simply ignore. In its implementation of sanctions regimes, the Council must demonstrate that every possible effort is being made to avoid violating the basic rights of the general population. That should also apply in respect of non-United Nations sanctions regimes, such as those imposed unilaterally or regionally.

The widespread humanitarian suffering that comprehensive economic embargoes in particular can cause raises the moral question as to whether the Security Council can violate social and economic rights and/or civil and political rights in the pursuit of international peace and security. It is of course recognized that targeted regimes retain the primary responsibility for the continuation or lifting of the sanctions that have been imposed on them and for the well-being of their people. However, this does not absolve the Council of its own responsibility to ensure that the fundamental rights of the population in the target country are respected or preserved. The imposition of sanctions, while legitimate and provided for in the United Nations Charter, must also be humane in implementation, or else it will lose the support of the international community, which is necessary for the effectiveness of the sanctions regime and the credibility of the Council.

A more effective strategy for the use of sanctions should be based on an understanding of why sanctions succeed or fail. The institutional capacity of the United Nations system must be enhanced, including the mechanisms for monitoring and impact assessment, as well as with respect to the technical assistance and specialized expertise which should be made available to the respective sanctions committees. Greater uniformity and consistency are needed not only in Security Council resolutions and the guidelines for monitoring and enforcement provided to Member States and regional organizations, but also in the national legislation and administrative procedures of Member States.

A smart sanctions strategy should be part of a carrot-and-stick diplomacy designed to bring about the negotiated settlement of disputes. Coercive measures, when applied, should be combined with concrete incentives for compliance as instruments of persuasive diplomacy. Targeted financial sanctions, arms embargoes and travel bans offer promise as a means of focusing coercive pressure on decision-making elites while minimizing humanitarian and third-party costs. Such measures are more likely to receive the international cooperation necessary for effective monitoring and enforcement.

The analogy of smart sanctions to smart weapons systems is very apt indeed. While the United Nations talks about comprehensive sanctions as a blunt instrument, the supposedly precise targeting of smart sanctions, like smart bombs, is meant to reduce collateral damage, that ubiquitous term used to refer to unintended targets. Unfortunately, many civilians have become victims of the so-called smart bombs. They are smart to the extent that men can make them so. Let us hope that smart sanctions will perform much better than smart bombs in minimizing the collateral damage on the unintended target: the general public.

Sanctions affect third countries in that they often impose extremely high economic costs on the major economic partners of target States. This aspect of the problem is well recognized in Article 50 of the Charter, but it is very rarely invoked, or if invoked, is seldom

seriously addressed. Despite calls from Member States for these costs to be spread equitably, this rarely happens. Assistance to disadvantaged States has been ad hoc and inadequate. It is true that some provisions for third-party compensation have been made, but mostly in those cases where the interests of major powers have been engaged in the pursuit of sanctions, notably in the former Yugoslavia and Iraq. No such aid has been forthcoming in the case of the African sanctions regimes. Where little or no assistance is available, the affected States may have no choice but to continue surreptitiously with their traditional economic relationships in order to avoid economic hardship to themselves. On occasion, they do so openly, as was clearly the case with respect to the sanctions regime on Libya, when the Organization of African Unity decided in 1998 to cease complying with the United Nations sanctions directed against Libya.

Prolonged trade sanctions have social costs which are hard to measure and hard to reverse. Furthermore, for a sanctions regime to be effective, there are significant management and enforcement costs involved. The costs to the sanctioning States involve legal innovation and/or reform, the ongoing detailed information-gathering for targeting and impact monitoring, enforcement and providing humanitarian aid. High administrative or transaction costs may also be incurred in planning and implementation monitoring, reporting, coalition- and consensus-building, and so forth. This requires adequate, competent and dedicated human resources, which the Organization often has been reluctant to fund. In some cases the frozen assets of the target country can be used to offset some of the costs. What is clear is that cheap sanctions are unlikely to be effective sanctions. Capacity constraints exist within the United Nations Secretariat and United Nations sanctions committees, as well as within regional groupings of States that impose sanctions and humanitarian agencies operating in sanction-affected countries. These constraints must be addressed.

In examining the question of more effective and humane United Nations sanctions, we cannot but consider the sanctions imposed on Iraq as an example of a sanctions regime that went very wrong. The sanctions imposed on Iraq are the most comprehensive embargo ever devised. The prolonged economic strangulation of that country, combined with the destruction resulting from the Gulf War in 1991, has created one of the worst humanitarian crises of the past decade. This has already been highlighted by my delegation in a recent statement made in the Council. Suffice it to say that these sanctions have had a devastating impact on the people.

By continuing to maintain economic sanctions on Iraq in the full knowledge of its deplorable consequences, the Security Council will continue to undermine the spirit and letter of the Charter of the United Nations, thereby undermining the confidence of the international community in the Council itself. It is time for us to view the matter, beginning with an immediate impact assessment of the decade-long sanctions. Only a comprehensive assessment will be able to tell us in an objective way whether the sanctions on Iraq have been carried out in the right way or what went wrong and what needs to be done in the interest of ending the plight of the ordinary people.

In conclusion, my delegation welcomes the issuance of the note by the President of the Council to establish a working group to develop general recommendations on how to improve the effectiveness of United Nations sanctions. Today's debate and the presidential note demonstrate the Council's serious response to the need for a serious examination of the sanctions issue in the context of our time. It is to be hoped that the deliberations of the working group will be able to make in-depth examination of, *inter alia*, all of the issues identified in the note and to report its findings to the Council by 30 November 2000.

However, as in all cases pertaining to the Council, the findings are not as important as the manifestation of the necessary political will on the part of Council members to follow up on the Council's decisions which will be made on the basis of these findings. I think we are all generally aware and know how to improve sanctions. What remains is political will. Unless there is this political will, this exercise will not mean very much.

The President: I wish to welcome the Secretary-General to the Council Chamber. It is good to have him join us for this very important debate.

Mr. Listre (Argentina)(*spoke in Spanish*): Allow me first of all to say how pleased I am that the Secretary-General has joined us here in our discussion. I would also like to thank the Under-Secretary-General, Mr. Prendergast, for his very thorough and useful report. I also wish to express thanks for the initiative of the President's Government, which has placed particular emphasis on the question of the effectiveness of sanctions.

Within this context, today we will adopt the terms of reference to guide the working group on sanctions

contained in the President's note on general issues relating to sanctions. Argentina fully supports that process, which it views not only as valuable but also as very necessary.

From the standpoint of theory, we understand sanctions to be an important element of preventive action that makes it possible without the use of force to express the international community's rejection of a given position or action. Such measures, in keeping with Article 39 of the Charter, are intended to modify the behaviour of a State.

Until recently, this option was more theory than practice, for it had been used on only a few occasions. But in more recent years, the Security Council has resorted to sanctions not only with greater frequency but in respect of a wider range of scenarios. This relatively meagre experience has led in some cases to unexpected results or events.

On 15 March we suggested that the valuable "lessons learned" exercise should be applied in the area of sanctions as it has been in the sphere of peacekeeping operations. We believe that the Council now has the experience necessary to assess systematically the lessons learned and to see how those lessons — which will emerge with greater clarity when the working group has concluded its deliberations — can help us in the future. We therefore support the broad terms of reference that will guide the working group. We believe that its conclusions and recommendations must have a meaningful impact on the future role and effectiveness of sanctions.

As we shall be participating in the working group on sanctions, where this issue will be analyzed in depth, I shall limit my statement to a few elements that are of concern to us. Priority attention should be given to the design of sanctions in such a way as to avoid their use being viewed as a half measure — which would jeopardize their effectiveness and have a considerable impact on the credibility of the Organization. Similarly, greater care in the design of sanctions is crucial if we wish to maximize support from the international community, which is essential for the effectiveness of any measures.

The area of sanctions design includes a vast number of elements, but the first question would seem to be whether the use of sanctions is on the face of it the proper tool in a given case. In that connection there should be a logical connection between the tool and the objective. To that end, pre-assessment is essential to help determine whether the expectations and goals are objective and reasonable. Throughout a sanctions regime, continued periodic assessments will be necessary to determine whether or not the conditions continue to exist for attaining the objective or whether it is necessary to redesign the sanctions.

In our view, the various measures enumerated in Article 41 of the Charter are intended to modify the behaviour of a State and are not of a punitive nature. We must therefore avoid the perception that the measures themselves or their unintended effects are of that nature. In such cases we must consider the possibility of alternative measures.

Against that background, we support the definition of objective criteria for the lifting of sanctions in the same resolution that establishes the sanctions. This is of particular importance because it is directly related to the long-term perception of the legitimacy of the sanctions.

A level of effectiveness will be ensured by the complete implementation of the measures in a sanctions regime. Even though the implementation of any resolution lies with Member States, every effort must therefore be made to encourage such implementation.

Here, the Secretariat and the sanctions committees have a significant role to play.

The question of implementation is related also to the formulation of measures. While the text of each resolution is the result of a unique political process, it is necessary to try to unify the terminology of these resolutions with a view to promoting implementation, including the use of clear and unequivocal terms that require no interpretation. Here, the working group should bear in mind the views expressed today by Mr. Prendergast.

We know that a lack of effective monitoring machinery can cause a sanctions regime to be ineffective. We need only recall the sanctions against UNITA, something we shall be considering at tomorrow's meeting.

Along with monitoring, we believe that greater dissemination of information could contribute to effectiveness; greater awareness of the purpose of the sanctions and the measures can, *inter alia*, promote their effective implementation. This is particularly true for targeted sanctions. We also feel that targeted sanctions are a tool that should be used to avoid a major impact on the civilian population and to minimize unintended effects.

But we know that for targeted sanctions to be truly effective there must be a greater commitment from the international community and more intensive monitoring or verification. Without those basic ingredients, effectiveness will be seriously compromised.

The planning, implementation and monitoring of sanctions regimes requires the availability of sufficient human and economic resources. To that end, sanctions specialists should be included in the Secretariat. If sanctions are to be a tool of which the Organization can make use in the future, they must be adapted and fitted to its needs. The cost is relatively low when compared with the other options.

We believe that there will be greater observance of sanctions if the measures adopted are endorsed by the international community; if the measures can be implemented; if compliance is ensured through a monitoring mechanism; if there is an attempt to diminish unintended impact, including through an appropriate mechanism for humanitarian exceptions; and if the active cooperation of the countries of the region is secured.

On the other hand, sanctions will be violated or ineffective if the measures are viewed as excessive, unjust or punitive, or if non-compliance does not entail consequences.

I wish in conclusion to express my delegation's entire commitment to the coming work of the working group; we hope that its conclusions and recommendations will meet the expectations expressed at this meeting.

Mr. Scheffers (Netherlands): Allow me first to thank you, Mr. Axworthy, for the important Canadian initiatives on United Nations sanctions. These have joined sanctions-related initiatives by other countries, and the time has indeed come to undertake a more in-depth review of the effectiveness of United Nations sanctions under the present international circumstances, circumstances in which humanitarian considerations are taking centre stage in our ongoing debate on issues of international peace and security.

The representative of Portugal will make a statement on behalf of the European Union later in this debate. The Netherlands fully associates itself with that statement, and I will therefore limit myself to a few brief comments on this subject.

I wish here to commend the Under-Secretary-General, Mr. Prendergast, for his comprehensive introduction, which rightly touched on all aspects relating to sanctions.

We believe that the imposition of sanctions under Chapter VII of the United Nations Charter remains an indispensable tool of international diplomacy, both in preventing armed conflicts and in directing conflict situations towards a peaceful settlement. Therefore, if sanctions are to be an effective political instrument, they must be applied swiftly and with resolve.

However, sanctions cannot be viewed as an instrument in isolation. They must be part of a broader strategy aimed at bringing about factual changes in behaviour by the targeted State or entity. Sanctions are to serve clear goals. While sanctions should therefore not be used as a blunt instrument, we should not lose sight of the fact that sanctions are coercive measures under Chapter VII, with an inescapably wide range of consequences — and I must add, just a few steps, or even only one step, short of military intervention in line with Article 42 of the United Nations Charter.

Whenever the Security Council is considering the imposition of sanctions, the guiding principle should be that each sanctions regime is tailored to the actual situation. Sanctions are not meant to punish nations or peoples as such, but to exert strong pressure on the elites with decision-making powers. However, it cannot be ruled out that the population and the economy in general will suffer as well.

That is why — especially in the case of comprehensive sanctions and of general trade embargoes — humanitarian exemptions are imperative. Given the need for swift action when it comes to imposing sanctions, the Netherlands believes it would not be wise to adopt a policy of protracted pre-assessment or impact reporting. In the view of the Netherlands, a better course of action would be to make available, within the United Nations Secretariat, further high quality and varied expertise in order for the Security Council to be offered well-considered and swift advice on possible options for action. Once sanctions are in place, the humanitarian and economic impact could and should be monitored continuously and closely. Also, clear procedures for adjusting exemption regimes must be in place.

When speaking about United Nations sanctions we generally have comprehensive sanctions in mind. As a

matter of fact, sanctions regimes are much more diverse. The Security Council has imposed arms embargoes, flight bans, travel bans and financial sanctions. All but one of the current sanctions regimes are in fact targeted and focused on specific groups of people or economic activities and do not harm the general population as such. Although not all of them have been effective, the Libya sanctions regime produced the desired results.

It seems superfluous to state, but for sanctions to be successful, sanctions regimes must be enforced. Absence of enforcement will lead to undermining the authority of the Security Council and of sanctions as a policy instrument. As stated in the International Peace Academy study, sanctions often suffer from poor design, loose commitment from Member States, inadequate monitoring and lax enforcement. Sanctions committees should therefore play a key role in enforcing the sanctions entrusted to them.

It is with great appreciation that my delegation has followed closely the Angola sanctions Committee, which, under effective Canadian chairmanship, is now well on the way to producing significant results in fighting violations, and is breaking new ground in the process. Tomorrow's open meeting will surely testify to that.

Following up earlier steps of January 1999, the Security Council should indeed now consider further improvements, in particular to strengthen enforcement capabilities. One could think of more effective communications with Member States as one improvement. Furthermore, Member States should be assisted in administering sanctions, especially in the fields of arms embargoes and financial sanctions. A feasibility study should be undertaken on how the United Nations Secretariat can become more effective in supporting and administering sanctions. A strengthened Secretariat will also be able to offer valuable assistance in the pre-assessment period.

In conclusion, the Netherlands wishes to pay tribute to a few States that have actively sponsored studies on "smarter" sanctions, notably Germany and Switzerland. Canada has also made a recent valuable contribution, in collaboration with the International Peace Academy. We believe enough food for further thought and concrete proposals are at our disposal that will tremendously assist the Security Council in redefining elements of its sanctions policies. It will therefore not come as a big surprise that the Netherlands strongly supports the decision to establish on a temporary basis an informal working group of the Security Council on sanctions. Its terms of reference are sufficiently broad to examine how to improve the effectiveness of United Nations sanctions from all perspectives.

The President: I with to thank the representative of the Netherlands for his kind words addressed to the Canadian delegation.

Mr. Ben Mustapha (Tunisia) (*spoke in French*): I would first of all like to welcome you once again, Mr. President, and to thank you for having organized this meeting to consider a question that is at the heart of the work of the United Nations and that of the Security Council in particular, namely, the issue of sanctions imposed by the Organization. This discussion comes at a crucial time in the history of the Organization, which in entering a new millennium has left behind a decade that some have not hesitated to describe as the "sanctions decade". The practice of imposing sanctions during the 1990s provided many lessons, because of both the multitude of sanctions regimes established and the unprecedented scope of some of those sanctions.

It is true that we have today reached a juncture where it is time to take stock of the past and consider the future with regard to recourse to sanctions. Sanctions are clearly an instrument that has been made available to the international community by the Charter, an approach halfway between peaceful settlement and coercive action to impose a solution to a problem or crisis that poses a threat to international peace and security. However, since the end of the cold war the United Nations has had much more recourse to sanctions than it had before. Nine sanctions regimes are now in force, and their implementation is monitored by an equal number of Security Council committees.

Among the international community there is a consensus today that there needs to be some adjustments in the way sanctions are now used. This is to be done to obtain two essential goals: first, to gain a real awareness of the impact of sanctions on the civilian population of the target country, neighbouring third countries or other important economic partners and, secondly, to improve the effectiveness of sanctions.

Particularly in the light of the experience of the last decade, we are now aware of the immensity of the difficulties and the suffering endured by civilian populations of target countries. We know that those consequences may even include humanitarian tragedies and the blockading of the entire economy of a targeted country as a result of the imposition of a wide range of

sanctions over many years. The example of Iraq is very instructive in this regard. For 10 years now that country has been under the harshest and most comprehensive sanctions regime ever imposed. This situation cannot continue. We are also aware of the enormous impact of the imposition of a sanctions regime on the immediate economic neighbourhood, as well as on international economic and commercial partners.

In addition to the Security Council, the General Assembly has also deliberated on this issue. We all recall that this culminated in September 1997 with the consensus adoption of resolution 51/242, which pointed the way for the introduction of a variety of revisions and improvements to refine the use of the sanctions tool available to the Organization. We think the solutions advocated at the time by the General Assembly still have currency and relevancy.

Numerous discussions have been organized outside the Organization on this issue. Those various forums have decidedly given momentum to what now appears to be the necessary reform of the use of sanctions. It is in this context that we welcome the initiative taken by the Security Council, under the leadership of your country, Mr. President, to engage in an in-depth discussion of the question of sanctions as a whole. That work is to be entrusted to a Security Council working group.

In view of the varied work carried out and the discussions that we have mentioned, we think that the Council should base its future work on sanctions on the following guidelines.

First, with regard to the conceptual framework of any implementation of a sanctions regime, a certain number of principles should be stressed, namely: keeping recourse to sanctions as a final step, after all means of peaceful settlement have been exhausted, pursuant to Chapter VI of the Charter; delineating clear objectives of the measures to be imposed; establishing clear conditions for the lifting of sanctions and for their suspension, while suspension should not take the place of lifting of sanctions — here we are mindful of the case of Libya, where sanctions are still legally in force although the country has complied with the provisions of the Security Council resolutions; providing for the gradual lifting of sanctions depending on the attainment of the goals sought; envisaging as much as possible the imposition of targeted sanctions; and that sanctions are not an end in themselves, a point which has been made by previous speakers, and therefore should be combined with other political means as part of a comprehensive strategy to attain the political goals outlined by the Security Council.

Secondly, we think that everything should be done to limit the humanitarian impact of the planned sanctions on civilian populations. The impact has to be evaluated ahead of time, before the sanctions are imposed. Evaluation has to be carried out periodically during the implementation of the sanctions regime in order to provide the necessary adjustments to it. In this context, a series of exemptions should be provided for ahead of time in the resolutions that impose the sanctions. This is the case for the provision of basic humanitarian goods — medicines, foodstuffs — and other exemptions that are necessary for religious or other reasons.

Thirdly, there is the impact on third countries. Notwithstanding Article 50 of the Charter, which recognizes the right of all countries to consult the Security Council with regard to a solution to economic problems encountered as a result of the imposition of sanctions on the target country, there is still no effective mechanism to compensate for losses suffered by third countries.

As the responsibility for the implementation of sanctions is the collective responsibility of the international community, it is entirely logical for the costs of implementing sanctions to be borne by the international community as a whole, and not just by a small number of States, which happen to be the neighbours of the target State or their economic partners. The idea of setting up a compensation fund has already been put forward in the General Assembly, and other ideas have been formulated, such as special compensatory measures. All of these ideas are interesting as we look for a specific solution to the real problems of third countries affected by sanctions. We think that the institutionalization of some appropriate compensation procedure is still necessary.

Fourthly, turning now to the working methods of the sanctions committees, we need to identify other improvements here to strengthen transparency in these committees, to improve their relationships and their communication with other Member States and with international organizations. Visits by the chairmen of the sanctions committees to the regions concerned are also to be encouraged — and the case of Canada comes to mind, and the visit made by Ambassador Fowler — in order to investigate all aspects of implementation of the sanctions regime on the ground, including by gathering first-hand information about the impact of sanctions and their results, and the difficulties encountered in applying them.

Fifthly, we need to devote the resources necessary to give the United Nations Secretariat the necessary technical and administrative means to enable it to carry out the follow-up of the implementation of sanctions regimes decided on by the Security Council.

In a word, we need to remove from sanctions any punitive connotation, any idea of reprisals against peoples, and make sure that they do not become a systematic obstacle to development, in particular for the countries in the south which suffer from the backlash of sanctions. International peace and security are indivisible. They certainly cannot be achieved by keeping entire peoples under the yoke of suffering and under-development, which themselves generate instability and tension.

These are the few comments I wanted to make on behalf of my country. We believe that the working group which we have just set up should get down to work as soon as possible.

Mr. Ouane (Mali) (*spoke in French*): Mali is pleased that this important question of sanctions is being considered at an official meeting of the Security Council today under your presidency, Mr. Minister. My delegation is also grateful to the delegation of Canada, in particular to Ambassador Robert Fowler, for having taken the initiative for such a meeting, which provides us with a useful opportunity to have an open and constructive dialogue on the general question of sanctions imposed by the Security Council. Similarly, I wish to express my thanks for the contributions made by Germany, the United Kingdom of Great Britain and Northern Ireland, Switzerland and other countries, following the General Assembly, to the drafting of reports and studies dealing specifically with the various aspects of sanctions imposed by the United Nations.

As we know, sanctions have increased over the past decade. In point of fact, during that period the Security Council has set up more sanctions regimes than throughout its recent history. At present, nine sanctions regimes are in force. Although sanctions are a means provided for in the United Nations Charter, enabling the Security Council to ensure its decisions are applied, they are far from universally supported. Nor have they enabled the Security Council to ensure respect for its resolutions.

The vast and considerable experience acquired over the past 10 years could help the Security Council in its future decisions. In this context, I wish to touch on several issues which in the view of my delegation deserve priority consideration in the Council.

First, my delegation wishes to highlight the relevance of using sanctions as a means of establishing peace and of maintaining international peace and security. In point of fact, the imposition of sanctions should be carried out in accordance with the relevant provisions of the Charter on collective security, after all attempts at a peaceful settlement provided for in the Charter have been exhausted. In other words, sanctions should never be imposed in the pursuit of individual national interests. The imposition of sanctions should meet a single objective, namely, serving the international community on whose behalf the Security Council has received a mandate to respond when international peace and security are threatened.

Secondly, we believe that the international community must learn from a decade of sanctions imposed by the United Nations. In fact, the experience of the Security Council in this area has revealed a number of shortcomings, as well as serious related consequences, in particular in the humanitarian sphere. We feel that the Council must further consider the negative effects of short-, medium- and long-term sanctions.

As the Secretary-General pointed out in paragraph 25 of his report on the causes of conflicts and promotion of durable peace and sustainable development in Africa, sanctions can cause suffering for unintended victims, in particular the must vulnerable strata of society, namely children, women and the elderly. Similarly, comprehensive economic sanctions often have a considerable negative impact on the development capacity and activities of targeted countries.

Thirdly, we feel that greater use should be made of targeted sanctions and that particular attention should be given to their unintended effects. In this respect my delegation welcomes the decision taken by the Council to set up an informal working group and entrust it with drafting general recommendations on provisions to be taken to strengthen the effectiveness of Security Council sanctions.

Fourthly, Mali believes that it is extremely important to determine the duration of sanctions regimes. When considering this question, we should bear in mind the goal being pursued and the need to avoid needless suffering for the civilian population. Sanctions often have considerable negative effects on the development capacity and development activities of targeted countries, as well as on those of neighbouring countries and others. We must pursue efforts to reduce as far as possible the

secondary effects of sanctions, in particular as they relate to the humanitarian situation.

In this regard, humanitarian assistance should be provided speedily and impartially. Measures should be envisaged to reduce, as far as possible, the suffering of the most vulnerable groups, while bearing in mind the urgent situations that may emerge, such as massive refugee flows.

In order to deal with the harmful humanitarian and economic consequences of sanctions, we should seek the assistance of concerned international institutions and regional and intergovernmental organizations with a view to assessing vulnerabilities and humanitarian needs in targeted countries at the time when sanctions are imposed and, afterwards, at regular intervals.

Fifthly, my delegation believes that the sanctions committees should, at every stage in the application of sanctions regimes, monitor the humanitarian effects of sanctions on vulnerable groups, including children, and provide, where required, exemption mechanisms to facilitate the provision of aid and humanitarian assistance. In this regard, the task of humanitarian organizations and competent United Nations bodies must be facilitated in accordance with the relevant Security Council resolutions and the recommendations made in the note of the President of the Security Council (S/1999/92) of 29 January 1999.

In conclusion, I should like to say that, given the experience that has been gained in this field, Mali welcomes the ideas contained in the millennium report of the Secretary-General (A/54/2000) relating to targeted sanctions and aimed at minimizing the impact of sanctions on the civilian population.

The President (*spoke in French*): I thank the representative of Mali for the kind words he addressed to the Canadian delegation.

Miss Durrant (Jamaica): The use of sanctions by the Security Council to influence the behaviour of States, individuals and non-State groups has in many instances provided a viable alternative to the use of military force in the maintenance of international peace and security. The history of Security Council sanctions over the past decade has clearly demonstrated that while such measures have achieved success in a number of cases, in others the desired objectives have not been achieved. If the Security Council is to maintain sanctions as a credible instrument, we must take concrete steps to ensure that we get sanctions right, rather than impose flawed regimes which may be either ineffective or unenforceable.

It is in this context that my delegation expresses its appreciation to you, Mr. President, and to the Canadian delegation for convening this open meeting to discuss general issues relating to sanctions, which, if they are to be effective, require the adherence of all States Members of the United Nations.

We also wish to recognize the work already done by the General Assembly and by the Secretary-General, and thank Under-Secretary-General Prendergast for his introduction of the subject this afternoon. We also wish to express our appreciation to those Governments and institutions which have analysed the effectiveness of existing sanctions regimes and have presented recommendations for consideration by the Council. My delegation is therefore pleased to support the establishment of the informal working group on sanctions, which will develop general recommendations on how to improve the effectiveness of United Nations sanctions.

One issue of particular concern to my delegation is the need for the humanitarian impact of sanctions to be considered when designing sanctions regimes. We believe that sanctions must not be a blunt instrument, but must exert pressure on targeted Governments and groups, rather than inflict suffering on innocent civilians and vulnerable groups, particularly women, children and the elderly. Provisions must be made for promptly revising sanctions to remove or reduce their impact on civilians, and they must always take into account universal human rights standards and international human rights instruments. Additionally, appropriate conditions and guidelines for humanitarian exemptions and adequate delivery of humanitarian aid must be included, as appropriate.

In addition to reducing the impact on civilians, every effort must be made to minimize the impact of sanctions on neighbouring States. Without the support and cooperation of neighbouring States and major trading partners, it is hardly likely that sanctions will achieve their desired result.

In order to ensure that non-targeted States or individuals are not adversely affected, and to ensure their cooperation, the Security Council, with the assistance of the Secretariat, must ensure advance assessments of the potential impact of sanctions on the non-targeted States. The Council must also monitor and assess the specific needs and problems of these States with a view to

ensuring appropriate assistance and adjustments to sanctions regimes where required.

The importance of enhancing Security Council policy-making and sanctions design has been recognized. Critical to this process, we believe, is the need for greater clarity in Security Council resolutions, allowing sanctions provisions to be more precise, thus eliminating doubt as to the respective responsibilities of parties and avoiding subjective interpretations to suit narrow, national political interests. We also believe that there is a need for clear criteria in such resolutions for the lifting or suspension of sanctions. This is in keeping with General Assembly resolution 51/242, which calls upon the Council to provide for imposing sanctions that may be partially lifted when targeted groups comply with given requirements or to provide for the lifting of sanctions progressively as targets are achieved, so that parties under sanctions derive some benefit from compliance.

We all agree that sanctions cannot be an end in themselves, but, rather, must be a means to an end. If sanctions are designed to resolve conflicts rather than to inflict punishment, they must be established with clear objectives, provisions for regular review and precise conditions and time-frames for removing them. Another critical element in improving the effectiveness of United Nations sanctions is that of enhancing our capacity effectively to monitor and enforce these measures and of assisting Member States in their capacity to implement sanctions. Clear guidelines and instructions, as well as possible technical and financial assistance to Member States and regional bodies to assist in compliance with sanctions regimes, can clearly improve the process.

We also need to devise practical strategies for assisting Governments in developing the means for more effective sanctions implementation, given that some Governments lack the capacity to do so due to structural deficiencies, including their inability to introduce appropriate national legislation and to adopt monitoring measures.

Arms embargoes are perhaps the most common measures used by the Security Council in seeking to maintain peace and security. They are also one of the most frequently violated sanctions regimes. As we have seen from past experience, arms embargoes affect a number of actors in the financing and sale of and trafficking in arms. The 1998 report of the Secretary-General on the causes of conflict in Africa (S/1998/318) called on Member States to make violations of United Nations embargoes a criminal offence in their domestic laws. We agree that this will be an essential tool in making these embargoes effective. However, the Council, in its working group, must address the question of harmonization of penalties to ensure that they are effectively applied.

The Security Council should also use all means at its disposal, including the use of investigative commissions, to find and report on violations of embargoes and the sources of finance. The traffickers and supplier nations must be held to account. If we remove the source of funding from the purchase of arms we will remove the overriding incentive for violations of the embargo and, in this regard, we have an excellent example in the work of the sanctions Committee in the sanctions against UNITA, which we will address tomorrow.

Too often the resolutions approving sanctions regimes lack clarity and specificity with regard to the identification of weapons and military services that are to be prohibited. This deficiency in arms embargoes must also be corrected. The capacity of the United Nations to monitor, enforce and report on violations of arms embargoes must also be enhanced. Sanctions committees must be given the necessary tools to carry out this work.

Having said this, sanctions can be effective only if there is the necessary political will. In one case analysed by the International Peace Academy, it was pointed out that the decision to impose a specific arms embargo seemed to reflect the desire by the Council to do something, however modest, in response to the particular worsening crisis. According to the Academy's analysis, it also reflected the minimum consensus that could be achieved within a divided Security Council. Without an effective means of enforcing the arms embargo, and faced with an obvious lack of enthusiasm among the major Powers for implementing more forceful sanctions, the sanctions committee was powerless to do anything about the lack of compliance.

In addition to reforms and policy-making, improving the effectiveness of sanctions requires the enhancement of internal institutional mechanisms within the United Nations system, including the development of a more effective monitoring capacity within the Secretariat, adequate staffing, streamlining of procedures and harmonization of guidelines in the working methods of the sanctions committees, visits by sanctions committees, technical expertise and support, and improved cooperation with regional organizations, non-governmental organizations and international financial institutions. The note of the President of the Council of 29 January 1999

contains recommendations which still have to be acted upon.

It is important that the working group devise a method for the Security Council to work with the General Assembly to ensure that there is the necessary budgetary support to support the Secretariat and the Security Council in the implementation of sanctions regimes.

In conclusion, my delegation looks forward to participating actively in the working group, and again we wish to express our appreciation to the President and the Canadian delegation for the leadership shown on this issue.

The President: I thank the representative of Jamaica for her kind words.

Mr. Gatilov (Russian Federation) *(spoke in Russian):* Mr. President, I am happy once again to welcome you to this important meeting of the Security Council initiated by the Canadian delegation.

The Russian Federation attaches great importance to the discussion in the Security Council of the entire range of questions relating to the problems of sanctions. Recently there has been much greater interest in this subject both in the United Nations and in international academic, social and political circles. Various forums, one of which was the seminar organized today under the aegis of the International Peace Academy, are actively considering questions relating to the implementation of the sanctions restrictions decided upon by the Council, and new mechanisms are being proposed to make sanctions truly "smart", supremely targeted and aimed precisely against those responsible for creating a threat to peace and security.

In this connection, we welcome the establishment of an informal working group of the Security Council whose mandate includes analysing the entire range of the problems of United Nations sanctions. On the basis of this analysis, practical recommendations can be elaborated for the Council to enhance the effectiveness of sanctions, to monitor their implementation and to reduce the humanitarian and other undesirable consequences of their impact.

Sanctions remain a powerful weapon of the United Nations in its efforts to maintain international peace and security. This instrument requires extremely careful handling and must have a solid legal basis.

Sanctions are the final step when all other peaceful means of settlement have been exhausted. An absolute condition for their imposition is a determination by the Security Council of the existence of a threat to the peace, a breach of the peace or an act of aggression. Sanctions must have clear goals and a clear time-frame. They must be regularly reviewed, and they must be accompanied by concrete, clear conditions for their termination or their suspension as United Nations decisions are complied with. When imposing sanctions, the humanitarian limits must be outlined and the likely consequences calculated for third countries and the civilian populations of the targeted State, above all for the most vulnerable groups.

It is important that the restrictions established be commensurate with the magnitude of the threat or the breach of international security. Any sanctions must be subordinate to the search for a long-term political settlement and must reflect strategic goals in the area of maintaining peace and security. What is inadmissible is the use of sanctions to overthrow or change the legitimate Government or existing political regime in the targeted country. Sanctions must be imposed not to punish a State, but to compel it to change its conduct and to encourage it to comply with the demands of the Security Council.

Today's realities require, as a matter of urgency, that we take into account factors such as the link between sanctions and the observance of human rights, the views of international humanitarian, including non-governmental, organizations and the need to adjust sanctions regimes according to the humanitarian situation in the targeted State, the elaboration of practical ways and means to prevent negative side effects of sanctions for third countries, including within the context of Article 50 of the Charter.

Unfortunately, quite often when imposing and implementing or lifting sanctions, biased approaches prevail. Partly this is demonstrated in attempts to give a broad interpretation of the language of certain previous positions taken by the Security Council. In a number of cases, the urgent lifting of sanctions is delayed, new criteria are artificially introduced by setting various additional trial periods and control periods, and complex mechanisms for monitoring and accountability are established. In other cases, these mechanisms either do not work and no attention is paid to this, or they are not even created. This practice of double standards, apart from its negative impact on the fate of millions of entirely innocent people, does serious damage to the authority of the United Nations as well.

Within the work of the informal working group of the Security Council, we will be strongly advocating an unbiased evaluation of current experience and agreement on recommendations that should enhance the effectiveness of sanctions while at the same time eliminating the many shortcomings of a host of current sanctions regimes. We also will definitely try to see to it that members of the group fully take into account the work that has already been done and is still being done on this topic within the General Assembly and in other United Nations bodies.

In this connection, we draw attention to a document produced by the Russian Federation in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That document sets out the main conditions and standard criteria for imposing and implementing sanctions and other coercive measures. Its aim is to focus attention on concrete elements of sanctions practice that require priority consideration. Russia is prepared to work together on all of these problems both in the Security Council and in other United Nations bodies.

The President: I thank the representative of the Russian Federation for his kind words addressed to me.

I shall now make a statement in my capacity as Minister for Foreign Affairs of Canada.

I will begin by once again thanking the Under-Secretary-General and the Secretariat for their very comprehensive and serious briefing. I would also like to express a real debt of gratitude to the many countries that have sponsored serious reviews and assessments of sanctions work in the month preceding this meeting. I would also, if I could, take the opportunity to acknowledge with us in the Council chamber today a number of my colleagues from the Canadian House of Commons who are here to be part of the United Nations investigation and whose own work on the question of sanctions in Iraq has been very seminal in helping to influence our thinking.

I think that as we have had discussions today it has been quite clear that there is a consensus that sanctions are a very potent means to promote peace. They are an effective way to prevent or stop violence against civilians. They are a method to curb those who systematically violate the rights of others. They are a means to save human lives in the face of brutality and destruction. They are, in short, a very vital tool for this Council to protect and advance the safety of people.

However, after a decade of unprecedented recourse to this instrument, the record is decidedly mixed. Successes are well known. Alas, so are the shortcomings. Sometimes sanctions have served as an inappropriate default in the face of an immediate crisis and in the absence of the political will for stronger measures.

Too often they have suffered from hasty or ambiguous design, a loose commitment to implementation, inadequate monitoring and lax enforcement. Most importantly, as so many have pointed out today in their statements, the costs in human terms are sometimes too high. While the harmful impact of sanctions, particularly comprehensive measures, on innocent civilians may be unintended, they are no less real or damaging for those who feel their effects. In these cases, sanctions can hurt, rather than help, people.

As a result, the risk is real that the legitimacy, credibility and utility of this important tool of Security Council action will be increasingly questioned in the eyes of the international community, and that would be wrong. But there is little doubt that in some instances this is already happening.

Our meeting today is a recognition that Security Council members, indeed the majority of Member States, understand the need to address this fundamental challenge: maximizing the effectiveness of sanctions while minimizing the harm to civilians. Sanctions have worked where the clear political will and resources existed to make them work. This in turn depended on applying the right sanctions with the most appropriate mixture of punitive and deterrent measures, incentives for compliance and the highest humanitarian concern.

In our view, there are five considerations to getting these sanctions right. I concur with many who have spoken today that we should use this as an opportunity to help set some framework and reference for the work of the group that has been established by this Council. First, there has to be a strategy. Sanctions are likely to succeed only if they are integrated into a broader Council strategy of conflict prevention and resolution. This means ensuring that all the terms of sanctions regimes not only are clear, but are clearly linked to a process of negotiation.

Secondly, we have to look at our targets. The aim of sanctions should be to change the behaviour of wrongdoers, to deprive them of the wherewithal to wage war and to brutalize the innocent and, in the process, to

avoid harming the very people the sanctions are aimed to help.

In today's conflicts this means more targeted sanctions, not only against abusive national decision-makers, but also against terrorists, rebel movements, modern-day warlords and other non-State actors that perpetuate or profit from human suffering. It also means improving the use of "smarter" sanctions against them, such as financial and other restrictions. The effective use of arms embargoes demands particular attention by this Council. More rigorously drafted texts, more closely monitored implementation and greater Council support for other efforts, such as the development of a convention on arms trafficking, would go some way towards better addressing the very destructive flow of small arms to conflicts.

Targeted sanctions should be combined creatively with targeted incentives. Foreign assistance, concessionary loans and credits, debt relief, technology transfers, trade benefits and security assurances are all carrots that might complement the stick of sanctions in directly influencing behaviour or encouraging those most likely to support change.

Where comprehensive sanctions exist, the need for extreme vigilance with regard to the humanitarian impact must be a priority. Humanitarian assessments before such measures are imposed, along with streamlining humanitarian exemption requests, ongoing monitoring and flexibility are all very important.

The Iraq sanctions regime is among the most comprehensive and complex ever imposed. The objectives were and remain clear — to coerce the Iraqi leadership to rid itself of weapons of mass destruction and to desist from pursuing weapons of mass destruction programmes. However, the unintended humanitarian impact of these measures has been borne by Iraqi civilians, rather than by the Baghdad regime. The utility and credibility of the sanctions have also been damaged by the impasse in discussions, attributable to the Iraqi leadership, over compliance with these measures.

Resolution 1284 (1999) is an attempt to put the Council's objectives back on track. The Council must continue to make all further efforts to address the humanitarian impact. To do so, the Council should consider establishing a mechanism, such as a humanitarian college of commissioners in parallel to the college that now works on disarmament matters, with a limited time mandate, to lend profile and transparency to humanitarian issues, to regularly review the humanitarian provisions of resolution 1284 (1999) and to make concrete recommendations on ways to improve or adjust the humanitarian programmes as so required.

In the meantime, we all need to do our utmost to assist the Iraqi people. In that respect, I am pleased to announce that Canada will provide $1 million in assistance through non-governmental channels for the rehabilitation of schools and hospitals and to meet other basic human needs.

A third area of concern is engagement. If sanctions depend on the will of the international community to implement them, then they must well reflect the will of the international community, not just the interests of the most powerful members. To that end, when sanctions are imposed, a more equitable sharing of the burdens of implementation and enforcement is important. This is especially the case for third-party countries or regions close to the conflict, which often suffer most but can least afford to. When considering the creation of sanctions, the Council needs to take their views into account, and members concerned should be able to fully avail themselves of Article 50. Donor- country conferences to address the needs of particular Member States adversely affected by sanctions may be one measure to address this.

We must also address the issue of capacity. The efficacy of sanctions regimes is determined by the capacity to implement them. The ability of the United Nations Secretariat to properly and fully assist the Council in the implementation of sanctions needs to be significantly upgraded. Sanctions committees also need resources to function efficiently. Many Member States need help to develop enabling legislation. Others, including Canada, could do more to improve theirs.

The deployment of international monitors and the establishment of special commissions to examine adherence to sanctions have proved very useful in the past, a practice that should continue with greater institutional capacity and legal authority to investigate violations, particularly with regard to arms embargoes.

The enforcement of targeted sanctions, especially financial or arms embargoes, is notoriously complex. But the know-how exists, and with sufficient commitment, it can be done.

Without doubt, all of this is expensive, in both time and resources. Sanctions are far from being enforcement

on the cheap. But compared to the costs of other measures, such as military intervention, or to the long-term costs in terms of human suffering of inaction, the price may not be so high. And if we are serious about making sanctions work, it is a price we can ill afford not to pay.

Finally, we need a framework. Our acquired experience in the use of sanctions is vast. Yet as some observers suggest, sanctions have little, or only controversial, standing in international law. They fall into a grey zone between humanitarian law and the rules of warfare.

Many of the dilemmas associated with the use of sanctions could be addressed through the codification of legal standards. Perhaps the time has come to consider the development of an explicit legal regime for that purpose. In other areas of global activity, legal regimes serve to establish norms, and, by reflecting international consensus, increase the prospects that everyone will adhere to them.

Clearly, this idea needs to be examined closely. It could make sanctions more effective. Like the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction in disarmament matters or the creation of the International Criminal Court, it might also serve to strengthen the growing international legal framework aimed at protecting civilians. To that end, Canada will convene a conference of experts to develop such a regime to govern the use of sanctions, including standardized policy guidelines and operational principles.

The creation of the working group is a promising step by the Council to improve the use of sanctions. It will have Canada's full support, both in seeking concrete ways to enhance the effectiveness of current regimes and in guiding future practice. I am especially encouraged to note that it will seek outside advice in its work. To that end, I was pleased to join with the Secretary-General this morning to launch a Canadian-sponsored independent study on sanctions by the International Peace Academy, authored by two very distinguished scholars — a study that expands on many of the points I have made today.

We need to apply the experience of the past decade of sanctions, good and bad, to ensure that this powerful tool is used correctly, creatively and coherently so that the result does not diminish, but rather advances, human security. Sanctions are economic statecraft in action. When purposefully used and implemented to prevent or stop aggression, violence and abuse, this is statecraft clearly in the service of people.

I now resume my functional as President of the Security Council.

Before calling on the next speaker, let me express my regret at not being able to stay for the remainder of this meeting. I shall ask Ambassador Fowler to take the Chair.

The next speaker is the representative of Portugal. I invite him to take a seat at the Council table and to make his statement.

Mr. Fowler took the Chair.

Mr. Monteiro (Portugal): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta align themselves with this statement.

We were very happy to see the Minister for Foreign Affairs of Canada here today presiding over this extremely important open debate.

The European Union welcomes your initiative, Mr. President, to hold this open debate on sanctions. The European Union attaches great importance to developments towards a more targeted and effective sanctions regime with clear humanitarian exceptions and effective monitoring systems. Your commitment and perseverance in taking work in this area forward should be commended.

The European Union also welcomes the Security Council's establishment of an informal working group with the mandate to consider issues related to United Nations sanctions, which it considers can make a highly significant contribution on the subject. The work of the group will complement the note by the President of the Security Council of 29 January 1999 on the work of the sanctions Committees (S/1999/92), which contained important proposals. That was a landmark in the Security Council's thinking on sanctions, initiated in 1997 under the Portuguese presidency of the Council.

In recent years, the Council has made increasing use of sanctions under Chapter VII of the United Nations

Charter to combat threats to international peace and security. In his millennium report (A/54/2000), the Secretary-General notes that sanctions, as an integral element of the collective security provisions of the Charter, offer the Security Council an important instrument with which to enforce its decisions. He also observes that economic sanctions have proved to be a blunt and even counter-productive instrument.

The European Union recognizes the concerns of the Secretary-General and stresses that every effort should be made to ensure that measures adopted by the Security Council are carefully designed to have the maximum impact on the political elites of targeted countries and/or on their military capabilities, while minimizing the impact on the general population, in particular its most vulnerable members, and other unintended side-effects.

In support of developing better targeted sanctions, expert seminars have taken place at Interlaken on financial sanctions, and at Bonn on smart sanctions, in particular arms embargoes and travel sanctions; these worked on specific recommendations. The Secretariat and the Security Council should draw upon this unique available expertise.

In his millennium report to the General Assembly the Secretary-General also alludes to these efforts. The European Union considers that Member States should take careful note of the conclusions of these ongoing studies on smarter sanctions and invites the new informal working group on sanctions to take that work forward in its discussions. The European Union further invites the Security Council to bear these studies in mind when designing sanctions regimes.

There is a general consensus on the desirability of smart sanctions. In designing sanctions regimes, every effort must be made to minimize the negative humanitarian impact of sanctions on the general population. From the outset, economic sanctions regimes must provide for humanitarian exemptions. In this regard, the Security Council or its sanctions committees should make periodic assessments of their impact and effectiveness.

The Security Council, the sanctions committees and the Secretariat all play an important role in this context. The sanctions committees should take an active part in this process, assisted by the Secretariat, not only in monitoring, but also in evaluating the performance and efficacy of the sanctions regimes they are charged to oversee. They should report regularly to the Council for its consideration and decision. For the Secretariat to perform this task as required, it should, however, be given adequate resources and expertise. The European Union supports the necessary staffing of the Secretariat to that effect. On the other hand, for the sanctions committees to deal adequately with these matters, more of their time should be devoted to them. It would also be useful to consider other ways to enhance the efficiency of the sanctions committees in the preparation of these assessments. Entrusting working groups within the sanctions committees — chaired by the Committee Chairman or Vice-Chairman — with specific responsibilities in the assessment of the impact and efficiency of sanctions would be one possibility.

I would now like to address the question of monitoring sanctions. Effective monitoring of sanctions by the sanctions committees in cooperation with Member States, regional organizations and other relevant entities is crucial to prevent violations of the sanctions regimes, to ensure their effectiveness, and to see to it that violations are prevented and that negative impacts on the general population are kept to a minimum. For this purpose, better information on sanctions regimes must be ensured. More unified and precise terminology should be used in sanctions resolutions to enhance harmonized national implementation. Bearing in mind the important role neighbouring countries play in implementing sanctions and in preventing and punishing their violation, it is crucial that technical assistance be provided to them by the United Nations, under the supervision of the sanctions committees.

The European Union encourages the efforts of States towards developing means of better implementing sanctions established by the Security Council. The European Union and its member States, for their part, are committed to fully and effectively implementing all mandatory United Nations sanctions regimes, in accordance with their obligations. To this end, coordination is regularly undertaken by European Union member States and the Commission in order to reach an adequate and uniform implementation regime when appropriate.

The visits of representatives of sanctions committees to the countries of the region of the target State are very useful, not only to ascertain the local needs and conditions in this regard but also to better inform them as to the scope and rationale of the mandatory measures. Direct knowledge of the situation on the ground is most important for the efficient implementation of sanctions. We recall the successful visit of the Chairman of the sanctions Committee on Sierra Leone, Ambassador

Dahlgren of Sweden, whose results were reported to us in a public briefing of the Council in 1998. More recently, we recall that the visits of Ambassador Fowler as Chairman of the sanctions Committee on Angola were also part and parcel of the report presented to the Council on the workings and the failures of the sanctions regime imposed on UNITA.

The European Union looks forward to continuing to participate actively in further efforts to develop clear and effective sanctions that reach their intended goals quickly and successfully.

The President: I thank the representative of Portugal for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Germany. I invite him to take a seat at the Council table and to make his statement.

Mr. Kastrup (Germany): I of course associate myself fully with the statement made by our Portuguese colleague on behalf of the European Union. I have asked for the floor to make some additional remarks because the German Government has initiated a process that should lead to concrete suggestions on how to enhance the role of arms embargoes and travel sanctions. If that is called the Bonn-Berlin process, as was done this morning by the Permanent Representative of Russia, we would certainly not object.

What are our terms of reference? The Secretary-General has often stressed the value of sanctions under the Charter as a tool in exerting pressure on offenders without the use of force. He has, however, also expressed concern about their negative effects on the civilian population, as well as on third States. He has therefore encouraged the Security Council, the General Assembly and Member States to consider possible ways to render sanctions a less blunt and more effective instrument. He has specifically welcomed the fact that the concept of "smart" sanctions seeks to exert pressure on regimes rather than on people, thus reducing humanitarian costs. He has also welcomed the fact that this concept has been gaining support among Member States.

Encouraged by the remarks of the Secretary-General, the German Government accepted the challenge to assist in exploring ways to make arms embargoes and travel sanctions "smarter" by targeting them. A first experts seminar was held in Bonn in November of last year, with more than 60 participants from 21 countries. Among the participants invited by my Government were representatives from a number of countries currently serving on the Security Council, officials from other United Nations Member States, representatives of regional and non-governmental organizations — which, in our view, are very important — scholars, experts from the private sector and, last but not least, officials from the Secretariat. That first conference provided an excellent opportunity for the participants to review the current successes, but also the shortcomings, of arms embargoes and travel sanctions.

This year, four working groups are going to meet in order to develop concrete recommendations on how to improve the implementation and monitoring of these sanctions. We are working towards the holding of a second seminar to present the findings of the working groups in Berlin in November this year. We will be happy to provide the results to the working group of the Security Council, in the hope that the results will help to provide the Council with an improved set of tools if and when there is the need to impose sanctions under Chapter VII of the Charter.

Germany is strongly committed to the process of targeting sanctions in order to minimize the impact on civilian populations and third countries. When this goal is achieved, sanctions imposed under the Charter will find wider acceptance among Member States of the Organization, which in our view is a very important aspect. We hope that our initiative will be a valuable contribution towards improving sanctions. As the Canadian Foreign Minister said a couple of minutes ago, it should be recognized that targeted sanctions are not an end in themselves, but rather elements of a comprehensive political strategy designed to achieve the peaceful resolution of conflicts.

The President: The next speaker inscribed on my list is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Ahmad (Pakistan): Allow me first of all to thank you, Mr. President, for convening today's debate on general issues relating to sanctions, which is both pertinent and timely.

Article 41 of the United Nations Charter empowers the Security Council to consider measures not involving the use of armed force to ensure implementation of its decisions aimed at promoting international peace and security. Over the years, the Security Council has designed and imposed a wide range of measures in

different situations, including arms embargoes, economic and trade restrictions, severance of air and sea travel links, freezing of bank accounts and diplomatic isolation. Sanctions, as non-military measures, are considered by some an effective tool in the gradual response to threats to international peace and security. For others, they are a blunt and counter-productive instrument.

In his latest report, Secretary-General Kofi Annan has pointed out the dilemma in the implementation of sanctions regimes, stating that,

> "Sanctions have had an uneven track record in inducing compliance with Security Council resolutions." (*A/54/2000, para. 230*)

He has also noted that economic sanctions that are directed against regimes have caused enormous suffering to the common people, instead of achieving the desired objectives.

As a matter of principle, Pakistan is opposed to sanctions and has consistently supported all efforts by the international community towards peaceful resolution of conflicts. We believe that preventive diplomacy, through constructive engagement, is a better proposition than punitive measures against any country. Imposition of sanctions should be considered only as the last option, and after all diplomatic efforts have failed to rectify a given situation.

Sanctions must be viewed with reference to the purposes and principles of the United Nations Charter. Sanctions often tend to violate the fundamental human rights of the common people in the targeted countries, such as the right to live, the right to freedom from hunger, the right to medical care, the right to education and the right to development. More often than not, one of the unintended consequences of sanctions has been their adverse impact on the vulnerable segments of society, in particular the elderly, women and children. In brief, sanctions hurt the very individual whose rights and fundamental freedoms we espouse at every international forum today.

In practice, we have seen that there are no uniform criteria for imposing sanctions. Different yardsticks have been used in responding to similar situations. While some countries have been subjected to stern measures for violating Security Council resolutions, many perennial violators of Council resolutions and the United Nations Charter have not been held accountable at all.

On occasion, sanctions have been imposed in support of national agendas.

These factors require that a careful review be undertaken of the utility of sanctions as an instrument to further international peace and security. First and foremost, decisions to impose sanctions against any country must be taken on the basis of an objective assessment of any situation. Before taking such a decision, it must be ensured that the negative consequences for the people of the target country are minimized. As experience has shown, this may be difficult to realize. The concept of "smart" sanctions has not yet proved to be smart enough to spare the common people from the adversity of sanctions. We have serious doubts that there could be targeted sanctions without substantial collateral damage to the public at large.

Another important aspect that requires thorough review is the impact of sanctions on third countries. Article 50 of the United Nations Charter recognizes the right of third States to consult the Security Council with regard to the economic problems they face because of its enforcement measures against any Member State.

Sanctions have been particularly harmful for developing countries, including Pakistan, as their economies are more vulnerable.

The Charter Committee of the United Nations has extensively deliberated upon this issue for a number of years. We feel that it is now time to move beyond this debate. We need to consider practical steps to assess the damage caused by sanctions and evolve ways and means of compensating the losses incurred by third States.

In 1998, an ad hoc expert group was set up by the Secretary-General, and it prepared various recommendations for implementation by the Secretariat, including the appointment of a special representative to undertake full assessment of the actual consequences for the affected countries and the sending of special fact-finding or evaluation missions to the affected countries. The group's findings concerning negative implications for expatriate labour also deserve due consideration.

A sub-group was also established to consider the question of sanctions in the light of the Secretary-General's report entitled "An Agenda for Peace" and the "Supplement to an Agenda for Peace". Its report was adopted by the General Assembly at its fifty-first session. It made useful recommendations on sanctions-related

issues, including the need for timely assessment of the adverse effects of sanctions, clear warning before the imposition of sanctions, provision for regular review, precise conditions for lifting sanctions, ways and means of improving the sanctions regime and establishment of an effective monitoring system. The Security Council must take these recommendations into consideration.

In conclusion, we welcome the decision of the Security Council to consider various aspects of the issues relating to sanctions. The views expressed in today's debate by the non-members of the Council should provide valuable input to the formulation of comprehensive recommendations on the subject by the Security Council.

The President: The next speaker is the representative of the Libyan Arab Jamahiriya. I invite him to take a seat at the Council table and to make his statement.

Mr. Babaa (Libyan Arab Jamihiriya) (spoke in Arabic): Allow me at the outset to express our congratulations to you, Sir, and our hopes for full success in your presidency of the Security Council this month. I should also like to express our appreciation to Ambassador Anwarul Chowdhury, representative of Bangladesh, for the wisdom and skill with which he conducted the work of the Security Council last month.

Debating the issue of sanctions in a frank and serious manner in this Council raises a number of questions. First, is the objective behind imposing sanctions to punish a particular State? Is it to implement Security Council or United Nations resolutions? Is it to promote international law? Or is it merely an attempt to implement the specific political objectives of a major State, or even a specific lobby within that State?

Secondly, are sanctions imposed by the international community as a whole? Is there a consensus on sanctions? Is there unanimity on their imposition? Or are sanctions a decision taken in the capital of a particular State, which is then railroaded by that State into the Security Council in order to serve its own interests and objectives? Thirdly, were such sanctions imposed after all means were exhausted, as provided by Article 33 of the Charter — "The parties to any dispute ... shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement" — or not?

Fourthly, as is clear in the title of Chapter VII of the United Nations Charter, sanctions are actions and procedures taken with respect to threats to the peace, breaches of the peace and acts of aggression against other States. Sanctions so imposed must be lifted when such a threat or breach of the peace ceases to exist. Does the Security Council follow that Article?

In most cases, the reply to most of these questions is in the negative. The Security Council has ignored threats to the peace and acts of aggression perpetrated by a number of States while at the same time imposing the severest sanctions when there was no threat to international peace and security, in order to achieve the specific political objectives of particular States, utterly unrelated to international peace and security.

Our bitter experience with sanctions compels us to make several demands. First, if a member of the Security Council lodges a complaint in the Council against a non-member, or is involved in a conflict with that State, the issue must be dealt with transparently and debated in an open meeting so that all its aspects can be explored, together with all the ways and means of finding a peaceful settlement to the problem. The State concerned must be invited to participate in the discussion and must be allowed to fully express its point of view. Naturally, if any member of the Security Council is party to a dispute with a non-member of the Security Council, it must remain neutral when the issue is debated in the Security Council with the objective of imposing sanctions against that State. This is in accordance with paragraph 3 of Article 27 of the Charter, which provides that "a party to a dispute shall abstain from voting".

Second, when the Security Council debates the possibility of imposing sanctions on any State, adequate, irrefutable evidence proving that that State has threatened international peace and security or that it has perpetrated aggression against another State must be presented, in accordance with the rules of international law. The Security Council must lift sanctions if it is proved that such evidence runs counter to international law and to the Charter of the United Nations.

Third, if any State believes that it is being harmed by the imposition of sanctions or by any other measure adopted by the Security Council, or by a Security Council resolution in that regard, it should have the right to seek redress at the International Court of Justice, which should consider the legitimacy of such a resolution. The Security Council should respect the judgment of the Court.

Fourth, no single State or minority of States in the Security Council should prevent the Council from lifting

the sanctions imposed against any other State. The Security Council must review its resolutions and must take responsibility for lifting sanctions without being subject to the will of one State alone.

Fifth, the international community should provide assistance to the State that is the victim of sanctions so as to help it to rebuild its economy, and the States responsible for imposing sanctions must pay compensation for any harm done to that State if it is proved that it was innocent of the accusations that had led to the imposition of sanctions.

Sixth, the Security Council should not apply double standards by imposing sanctions against some States while completely ignoring other, similar, situations. The history of the United Nations is replete with examples and situations of certain States violating United Nations resolutions and threatening international peace and security. Yet for one reason or another, international legitimacy is apparently upheld in a clearly discriminatory fashion.

Seventh, the Security Council should not use sanctions to force people to abandon their political choices or values, or to impose a particular pattern of behaviour. This is completely contrary to the letter and spirit of the Charter.

Eighth, the use of economic and political pressures and strong-arm tactics in adopting sanctions resolutions by unanimity, whereby a resolution wanted by one State is pushed through the Council, cannot really be called international legitimacy. Furthermore, dictating instructions to capitals to agree a priori to a particular measure desired by one Member State cannot be termed international legitimacy.

My country has been the victim of sanctions imposed on us in the dark — unjust sanctions, imposed without proof or evidence, because one or two Member States in the Security Council were involved in a political dispute with us. Many States have since expressed surprise at the speed with which the sanctions were imposed and at the manner of their imposition, which took place without the accusations against us being proved. The result is that my people have suffered under these unjust sanctions for seven years, and the direct damage they have caused amounts to $33 billion, as we informed the Security Council recently, in a letter contained in document S/2000/243.

As other speakers have said today in the Security Council, those sanctions did not lead to a resolution of the dispute, which was the supposed reason for their imposition. Indeed, the dispute was resolved through one of the peaceful means provided for in the Charter: negotiation and compromise among the parties, with the assistance of the Secretary-General of the United Nations. Although a solution acceptable to all parties was reached, and although the Secretary-General has affirmed that Libya had abided by its part of the equation, the sanctions have not yet been lifted, because one State objected and imposed its opinion on the majority. Despite the fact that that State is a party to the dispute, it stopped the Security Council from lifting the sanctions.

Where is international law, and where is international legitimacy? Where is the credibility of the Security Council? We again call on the Security Council to immediately lift the sanctions imposed on my country. We call on the Council not to resort to a policy of imposing sanctions upon people. Sanctions lead to tragedy, pain and suffering at all levels of society. Let the Security Council instead seek peaceful means to resolve disputes among States.

The President: The next speaker on my list is the representative of Italy. I invite him to take a seat at the Council table and to make his statement.

Mr. Vento (Italy): Thank you, Mr. President, for organizing this open meeting, which provides all United Nations Member States with the opportunity to participate in the debate on sanctions, an issue which is, indeed, of major interest to the broader membership.

First of all, I associate myself with the statement made by the Portuguese Presidency of the European Union.

Just a few hours ago in a speech to a seminar on sanctions, the Secretary-General reiterated his concern that the target of sanctions should be the political leadership and military structures responsible for grave violations of human rights and threats to international peace and security, and not the civilian population. Within such countries, such initiatives can even lead to humanitarian disasters by fostering the gradual unravelling of the social fabric, which is often deprived of elementary support structures and can fall prey to illegal activities that have sprung up in response to sanctions. These processes can, paradoxically, support the very leaders that sanctions were supposed to bring down, since they can take advantage of smuggling activities and aid distribution to strengthen their grip on power and stamp out any and all forms of democratic opposition.

Furthermore, the latest examples of sanctions regimes show that they can also create mounting problems for the neighbouring countries and trade partners of States subjected to sanctions.

Therefore we need to rethink the sanctions mechanisms and bring them more into line with the goals they are supposed to achieve. We need to identify more precisely the instruments sanctions should use, exercising control over financial flows, military equipment and strategic assets and isolating political leaders, while at the same time guaranteeing the basic needs of the people. In other words, we need to figure out how to combine maximum effectiveness against political leaderships with the minimum impact on civilian life. In every case this selective, targeted approach should be backed up and strengthened by appropriate public information campaigns geared to help the democratic opposition and therefore provide a viable political alternative to standing power.

What we must avoid at all costs is allowing the unfortunate examples of recent years to prevent us from approving new sanctions in the future when they are opportune and useful out of fear that they might go beyond the bounds of the initial intentions. Such a development would in fact deprive the United Nations of an irreplaceable instrument that is essential to its policies. Furthermore, we must steer clear of the frankly troubling spectre of countries reluctant to support resolutions that do not reflect their sentiments or to which their national public opinion is opposed. By the same token we must avoid public debates which suggest that sanctions are adopted and maintained against the will of a large number of United Nations Members — not to mention reports by United Nations agencies and organs that criticize the results of sanctions and thus the work of the Security Council. Internal divisions of this nature undermine the prestige and the authority of the Organization and make it hard to grasp the true orientation and aims of the United Nations.

This is why the debate over the criteria for sanctions management should not remain within the walls of the Security Council but should rather give rise to a moment of collective reflection also by the General Assembly on a concrete aspect of United Nations activity within the general framework of the reform process of the United Nations.

We believe that, in the interests of the United Nations and of the sanctions instrument itself, we must define a series of clear and precise rules through a broad and deeply rooted consensus since every country is eventually called upon to comply and to shoulder the resulting burden.

Allow me, as a final consideration, to recall the importance that the specialized agencies can have in monitoring the effects of sanctions. In this light, the experience and competence of organizations such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the Commission on Human Rights are unquestionable. Therefore it would be advisable, in the context of revising the rules that govern the application of sanctions, to make sure that they are directly involved. Their participation would lend authority, objectivity and competence to reports on the social and human impact of sanctions and on the most appropriate measures for dealing with it.

The President: The next speaker inscribed on my list is the representative of Sweden. I invite him to take a seat at the Council table and to make his statement.

Mr. Norström (Sweden): I should like first of all to thank Canada for convening this open meeting. Sweden also fully subscribes to the statement made earlier by Portugal on behalf of the European Union. We would like to elaborate briefly on three specific aspects: first, the targeting of sanctions; secondly, ways to ensure better compliance with Security Council sanctions; and thirdly, the use of arms embargoes.

First, sanctions constitute an important tool for pressure by the United Nations and must as such be made to achieve their aim. There is today wide agreement that better targeting of sanctions is crucial for making them work. Sanctions should hit only those that are responsible for wrongdoing and should be designed and applied in a way that minimizes both negative humanitarian effects in the target country and consequences for third States. The Security Council must take on a clear responsibility to ensure that sanctions imposed do not adversely affect innocent civilians.

Assessments of the humanitarian effects of sanctions should be made to the largest possible extent before sanctions are imposed, and explicit provisions should be drawn up for humanitarian exemptions. After sanctions have come into effect, humanitarian assessments should be conducted on a regular basis. The Security Council should be prepared to modify both exemptions and sanctions if negative humanitarian effects are reported. This is not only a humanitarian concern, but also a way

of maintaining support for the sanctions themselves and thus for the implementation of decisions taken by the Council.

To this end, it is important that the sanctions committees maintain a high level of knowledge about the humanitarian conditions and the effects of the sanctions in the areas with which they deal. Gathering information from non-governmental actors and undertaking missions to the field are some ways for the committees to keep themselves informed.

Sweden welcomes the establishment today of an informal working group of the Council to look at ways of improving the effectiveness of United Nations sanctions and is particularly pleased that it will, among other things, look at the unintended impacts of sanctions and humanitarian exemptions.

It is a regrettable but well-known fact that implementation of and compliance with sanctions imposed by the Security Council are often faulty. This can be explained in part by weak monitoring facilities and insufficient legal and administrative capacities in some Member States. Such weaknesses should be addressed through increased support for capacity-building by countries and institutions with relevant knowledge and resources. But we also know that the effectiveness of sanctions falters due to lax enforcement by Member States. We are all bound by the Charter to carry out the decisions of the Security Council, yet violations of sanctions systematically occur. In Sweden's view, the price for such violations must be higher. Regrettably, the United Nations currently has few means at its disposal for raising that price, but we do have the option of publicly identifying violations against sanctions, whether committed by States or private parties. Naming and shaming as a way to counteract violations can be a forceful tool.

When it comes to providing information to the Security Council, there is also room for considerable improvement. The intelligence available to the sanctions committees must be enhanced if monitoring of implementation of sanctions is to be effective. To complement often lacking information from Member States, the committees should consider drawing more often on the knowledge of non-governmental actors and enlisting expertise to provide a better informed basis for their activities. We believe that the commendable initiative taken by the sanctions Committee on Angola under the chairmanship of Ambassador Fowler to investigate violations of the UNITA sanctions provides a useful model for how intelligence can be gathered and implementation of sanctions thus improved. Sweden welcomes the debate that will be held tomorrow on the issue of Angola sanctions and hopes for further follow-up by the Council of this important work.

Finally, a comment on arms embargoes. Measures to prevent the flow of weapons into areas of conflict are of crucial importance. However, such measures have so far been neither applied nor implemented in a satisfactory way. I would like to raise three specific aspects.

First, countries should show restraint in allowing arms sales to groups or Governments in regions where the conflict level is high. Sweden believes that it is the moral obligation of all countries in the position to export arms to refrain from doing so in the face of conflict.

Secondly, the Security Council should consider more often imposing arms embargoes on groups or Governments involved in armed conflicts. There are a number of devastating conflicts going on as we speak where arms embargoes should have been imposed as a preventive or restraining tool.

Thirdly, implementation of arms embargoes must be more effective. Concrete measures must be taken to improve monitoring, reporting and implementation on the ground. The Security Council should look at ways of ensuring such improvements, through, for example, closer cooperation with regional organizations and more frequent use of special investigative commissions.

The President: I thank the representative of Sweden for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Australia. I invite her to take a seat at the Council table and to make her statement.

Ms. Wensley (Australia): This debate on the question of sanctions is very timely, coming during a period of renewed attention both to the humanitarian impact of sanctions and their effectiveness as an instrument for dealing with threats to international peace and security. I would emphasize that these are matters of immediate interest to all Member States, and we particularly commend Canada for its initiative in holding this open debate.

The common criticism that sanctions can be a blunt instrument is in some respects true. But it is equally true

that they remain a necessary instrument and an integral part of the graduated set of responses available to the Security Council in discharging its responsibility for the maintenance of international peace and security. It is a regrettable matter of historical record that the Council has been forced to invoke Chapter VII of the Charter on 14 occasions to impose sanctions on States whose behaviour threatened peace and security.

Important lessons can certainly be learned from the United Nations experience with these sanctions regimes. There is no question that more can be done to render sanctions more effective, to minimize their humanitarian impact on vulnerable populations and to target them more effectively on the political decision-makers in target States.

It is a sad but inescapable reality that innocent civilian populations will be affected to some degree by the imposition of sanctions. But it is also important to remember that much of the hardship suffered by such populations can also be attributed to the policies of the target regimes. The Secretary-General reminded us of this in a recent Council debate when he noted that vulnerable groups are often victims of their own Governments, as well as of the measures taken against them by the international community.

The critical conclusion is that the State in question must return to full compliance with the decisions of the Council, so that the sanctions can be ended quickly and its people allowed to return to a normal life.

Extensive debate and analysis has been conducted, involving Member States, academics, the business community, non-governmental organizations and other representatives of civil society on how to make sanctions more effective. Many measures have been identified that warrant careful consideration. These include more clearly defining in Council resolutions the objectives of sanctions; ongoing assessment of the humanitarian impact of sanctions and of other unintended impacts, including on third parties; more efficient administration of exemptions by the sanctions committees; and periodic assessment of the overall effectiveness of particular measures in changing the behaviour of the target State.

So-called smart sanctions also warrant careful assessment. In this regard Australia was pleased to participate in the series of Interlaken seminars organized by the Swiss Government on targeted financial sanctions, which produced a number of practical recommendations for developing and implementing sanctions that would more effectively isolate the assets of target elites. These, however, are untested and may not be appropriate in all instances, but they should be looked at closely by the Council.

It is axiomatic to say that sanctions can only be as effective as their enforcement by Member States. But this underlines two key points: the importance of assisting countries where necessary with the implementation and enforcement of sanctions, including drawing up appropriate laws; and the importance of the Council taking action quickly to investigate and act upon reports of violations. There are obvious resource implications here, and certainly my Government believes that consideration should be given to augmenting the resources of the Secretariat available to service the sanctions committees.

The Security Council has of course already agreed on a number of steps to improve the work of the sanctions committees, notably those set out in the presidential note adopted by the Council in January last year. But much more importantly, the Council has started to put these measures into practice. Most telling has been the work of the Angola UNITA sanctions Committee under the active leadership of Ambassador Fowler of Canada, our President. While this is going to be the subject of more detailed discussion in the Council tomorrow, we would like to take this opportunity to place on record our appreciation for the work of this Committee. Its groundbreaking approach sets an admirable example, and it offers important lessons for other committees and for the administration of sanctions in general.

Finally, Australia supports and indeed welcomes the decision to establish a Council working group to develop recommendations for improving the effectiveness of sanctions. It is a crucially important issue that goes to the heart of the way the Council discharges its responsibility for the maintenance of international peace and security. We very much look forward to its report in due course.

As a final point, we trust that creative ways will be found to engage non-Council members in its work. In this respect I note the element in the decision that the working group should benefit from all available sanctions expertise, including by being briefed on case-by-case basis by appropriate experts. I would simply like to note that there may be other areas of relevant expertise that could be called upon, particularly in relation to looking at assisting Member States in implementing sanctions and in

the capacity of the United Nations Secretariat, expertise in training and capacity-building and human resource management, in financial and budgetary issues and how to find the appropriate resources to service what might be the recommendations emerging from this working group are all areas where the working group might benefit from looking beyond the immediate membership.

The President: I thank the representative of Australia for her very generous remarks addressed to me and her thoughtful support of the Secretariat.

The next speaker inscribed on my list is the representative of Bulgaria. I invite him to take a seat at the Council table and to make his statement.

Mr. Sotirov (Bulgaria): I would like to commend His Excellency Mr. Lloyd Axworthy, Foreign Minister of Canada, for having presided over the first part of today's open meeting of the Security Council in such an efficient manner. My appreciation goes also to you, Ambassador Fowler, and to your colleagues for your active role in initiating this open debate on the general issues related to sanctions.

Bulgaria aligns itself with the statement made by the representative of Portugal on behalf of the European Union. I will therefore confine myself to a number of remarks of particular importance to my delegation.

The issue of the maintenance of international peace and security is closely related to ongoing efforts to strengthen the role of the United Nations and to reform the Security Council. We consider the present discussion on enhancing the effectiveness of sanctions regimes to be a substantial part of that process. Ever since the entry into force of the United Nations Charter, few issues have been of greater relevance and importance for the Security Council than the question of making sanctions appropriate tools for achieving sustainable peace and stability.

That is why Bulgaria favors the current efforts of the Security Council to establish monitoring mechanisms and improve the administration of sanctions. We support the Council's decision to establish an informal working group to consider recommendations on how to improve the effectiveness of United Nations sanctions. We believe that this is a shortcut to the realization of the concept of smart sanctions, including targeted sanctions. Sanctions must have clearly defined objectives and goals. Destructive collateral effects on the people of the target State could be minimized by focusing the sanctions on the leaders of the ruling regime of this State.

Furthermore, since the Security Council is the principal organ of the United Nations with primary responsibility for the maintenance of international peace and security, it should evaluate the dimensions of a humanitarian crisis and possible related implications for vulnerable groups in target States before imposing preventive or enforcement measures under Chapter VII. This is closely related to the question of introducing flexibility into sanctions regimes.

The Government of Bulgaria believes that in every case the Security Council should apply criteria of proportionality when defining the scope of the sanctions, which has to be compatible with their objectives. The introduction of measures under Chapter VII of the Charter should be considered in a comprehensive manner, including the elaboration and implementation of additional tools for a better assessment of economic and humanitarian impact on non-targeted third States affected by the application of sanctions.

It is worth recalling in this context the note by the President of the Security Council dated 29 January 1999 on the work of the sanctions committees (S/1999/92), which includes valuable suggestions for appropriate improvements in the assessment of the economic impact of sanctions on third States, including through facilitating access by those States to the work of the relevant subsidiary bodies of the Security Council.

A case in point is the enormous economic damage suffered by Bulgaria and other third countries as a result of the sanctions imposed on Iraq, on the former Yugoslavia, on the Libyan Arab Jamahiriya, *et cetera*. The direct losses incurred by Bulgaria amount to more than $10 billion. Therefore, we have repeatedly supported the opinion that the application of certain measures adopted under Chapter VII of the United Nations Charter should be accompanied by concerted efforts to prevent possible adverse implications for third States and by the adoption of specific mechanisms to assist those States promptly and effectively. It is important in this regard to ensure the participation of the concerned third States in preliminary impact assessments prior to the imposition of sanctions.

The special importance that Bulgaria attaches to these issues arises from their direct link to the question of the proper implementation of Article 50 of the Charter. A

number of resolutions have already been adopted by the General Assembly relating to assistance to third States affected by the application of sanctions. In our view, that marks significant progress in identifying key aspects of the problem and in promoting activities in that field.

As has rightly been pointed out, the international financial institutions and other international organizations, including regional organizations, also have a vital role to play with respect to addressing the special economic problems of third States affected by sanctions.

In conclusion, I would like recall the General Assembly's invitation to the Security Council, renewed in Assembly resolution 54/107, to consider the establishment of further mechanisms for consultations, under Article 50 of the Charter, with third States which are or may be confronted with special economic problems arising from the application of sanctions. With regard to a solution of those problems, the Security Council is invited also to consider appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance. We are confident that the reassessment and review of Security Council working methods with regard to the proper implementation of Article 50 of the Charter will contribute to the effectiveness of sanctions regimes.

We hope that our suggestions will be duly taken into consideration in the future activities and recommendations of the informal working group established by the Security Council on improving the effectiveness of United Nations sanctions.

The President: I thank the representative of Bulgaria for the kind words he addressed to me.

The next speaker is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. Hughes (New Zealand): Mr. President, may I first congratulate you and your delegation on bringing this very important matter to the Security Council this month in this open format. I would also like to thank the Under-Secretary-General, Mr. Prendergast, for his valuable introduction to today's debate.

As others have observed, the Council's recourse to sanctions, which are specifically provided for under Article 41 of the Charter, has increased dramatically in recent years. The increasing frequency with which sanctions are being used has helped highlight some serious shortcomings. The Secretary-General has on more than one occasion drawn attention to deficiencies in their application and also to the unintended harm they may inflict on innocent and vulnerable people, most recently, for example, in his millennium report entitled "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000).

It is easy to see why sanctions have become an instrument of choice. Their imposition represents a useful, low-cost middle course of action somewhere between diplomatic censure and the use of force, by means of which the Security Council may address a serious threat to international peace and security. The problem is, however, that sanctions, and comprehensive sanctions in particular, can be a blunt instrument. The mechanisms for enforcing them have too often been lacking or have not been uniformly implemented. There has been little reliable information on or monitoring of their actual effects. Sanctions have had a limited record of success in achieving the goals for which they were imposed. Compliance has often been inadequate or uneven, the economies of neighbouring countries can be impacted adversely, and black markets and smuggling in banned goods or commodities can flourish.

In the case of comprehensive trade sanctions imposed on authoritarian regimes in particular, we have seen how the unintended effects can be manipulation and profiteering by the elite, who thus escape any adverse impact on themselves and may even exploit the situation to their own advantage. On the other hand, sanctions can cause serious humanitarian distress for ordinary people and, if sustained over a long period of time, severe damage to the local infrastructure. In addition, there is ample evidence of numerous structural, processing and administrative problems which impede the effectiveness of sanctions. New Zealand believes that the Security Council needs to develop, as a priority, a more focused and refined approach to reduce the unintended consequences of sanctions, especially the incidence of humanitarian suffering.

Let me say, at this point, that the aim of sanctions is not in question. New Zealand supports the use of sanctions as a legitimate instrument, provided for by the Charter, for dealing with threats to international peace and security. Rather, it is their effectiveness and their unmoderated side effects on innocent civilians and neighbouring countries that is at issue.

In its presidential note of 29 January 1999, issued under the symbol S/1999/92, the Security Council offered a number of practical proposals for improving the work of the sanctions committees. Welcome as these were, they did not go far enough. More needs to be done.

We were grateful for the work done recently by Switzerland, Germany, the United Kingdom, Canada and others to investigate the feasibility of developing better targeted, "smarter" sanctions regimes. We endorse these efforts and urge the Security Council to improve the overall efficacy of sanctions by taking a more graduated — perhaps a two-pronged — approach to sanctions in the future.

First, the trend away from general trade sanctions towards a more selective approach needs to be accelerated, with greater efforts made to identify a limited range of goods and services that would target the interests of the regimes and elites identified as responsible for threats to peace and security. These could include financial sanctions such as the freezing of assets, bans on foreign travel and the imposition of more precisely defined and better monitored arms embargoes.

Secondly, the procedures for approving humanitarian exemptions to sanctions regimes should be overhauled and streamlined. For example, lists of exempt foodstuffs, pharmaceuticals, medical and other humanitarian supplies should be better defined and agreed, and decisions on dual-use goods made more transparent. United Nations agencies, as well as humanitarian organizations, should also be able to apply directly to the sanctions committees for exemptions. The Secretariat should establish a dedicated unit to maintain the necessary databases and to process applications and notifications electronically. The sanctions committees should be able to draw on special expertise to identify the profiles of their targets and design the scope of proposed targeted sanctions accordingly. Clear exit strategies identifying the actions required to suspend or remove sanctions should be built into mandates in order to clarify the inducements for compliance. There should also be mechanisms in place to monitor and assess regularly the impact of sanctions. The possibilities for better border control measures should also be explored.

These are but a few of the measures that my delegation believes could improve the current effectiveness of sanctions regimes. Furthermore, up to now the international community has depended on existing structures and resources to manage the application and enforcement of sanctions. This approach has entailed very little financial cost to the membership, but in some cases it may have contributed to devastating suffering and long-term degradation for civilian populations, far in excess even of the kind of damage that might be inflicted by armed conflict or war. This situation poses, as the Secretary-General has said, a moral dilemma for the United Nations, which has a responsibility to protect the vulnerable and the weak.

While these are complex and challenging issues, increased effectiveness lies in the hands of the Security Council and the General Assembly. As we have suggested, the Council should focus on designing better targeted sanctions regimes with clear objectives and exit strategies, regular reviews and stronger institutional support, including the provision to the Secretariat and Member States of the necessary technical expertise and advice to make sanctions work better. Finally, for its part the General Assembly might consider adopting a separate budget with adequate resources for implementing sanctions mandates and supporting the sanctions committees, along the same lines as the budgets established for peacekeeping operations and the International Tribunals.

The President: I thank the representative of New Zealand for his kind words addressed to me.

Before giving the floor to the next speaker, I would like just to say a word about the distribution of speeches within the Chamber. I think it is important that we all understand what is happening and what is not happening, and why.

At the excellent suggestion of the former President last month — the representative of Bangladesh, who drew our collective attention to the fact that the great rush to the door to obtain copies outside significantly disrupted our deliberations in the Chamber — it was agreed and published in a note at the end of March that, as long as countries provided the Secretariat with 200 copies of their texts, the texts would be discretely and effectively distributed — as they have been, in the main, today — to Members throughout the Council Chamber and to other Members of the Organization, as you have seen done.

When fewer than 200 copies are provided to the Secretariat, those copies are placed outside. Particularly because there are fewer of them, the scramble for them is even greater and the disruption all the more. I would therefore urge Member States to conform to this excellent suggestion by Bangladesh and to provide the Secretariat

with 200 copies well in advance of their statements so that they can be quietly and effectively distributed, as in the main has been the case this afternoon.

The next speaker inscribed on my list is the representative of Cuba. I invite him to take a seat at the Council table and to make his statement.

Mr. Dausá Céspedes (Cuba) (*spoke in Spanish*): First of all, allow me to express sincere congratulations to the President on behalf of my delegation for convening this meeting and for the interest Canada, Minister Axworthy and you yourself, Mr. President, have placed on the issue sanctions. I also wish to congratulate you, sir, for the work you have done to date as President of the Security Council for the month of April.

In accordance with the spirit of the Charter, the imposition of sanctions constitutes an extreme measure to be considered only when there is a real threat to international peace and security, when all the means foreseen under Chapter VI of the Charter for a peaceful solution of disputes have been exhausted and after a careful assessment of the short- and long-term economic, social and humanitarian impact of those sanctions. However, we all know this has not always been the case.

In the Cuban delegation's view, in order for sanctions established by the United Nations to become an effective and just mechanism that adheres strictly to the provisions of the Charter, comprehensive reform of the Security Council is needed. Therefore, in our judgment, the issue of the implementation of sanctions is inextricably linked to the reform of the Council's working methods and the expansion of its membership.

Pursuant to what is set out in the Charter of the United Nations, the Council acts on behalf of all Members States of the Organization. This means that the imposition of sanctions by the Council against a Member State ought to be a collective decision, or at least have the understanding and approval of the collective will of the rest of the Member States that the Council represents.

In this sense, the imposition and implementation of sanctions cannot constitute a second privilege in addition to the power of the veto. It cannot represent an exclusive right of a select club of countries, nor a coercive instrument in the hands of a few Security Council members. My delegation believes that from this stems the need to democratize the decision-making processes of the Council and to guarantee that its decisions really respond to the collective will of the Organization.

Unfortunately, in spite of being an Organization with 188 Member States, in practice decisions concerning to whom, how and when sanctions are applied depend almost exclusively on the arrangements made by the five countries having the veto power. It is precisely this fact that has made it possible for some permanent members of the Security Council to plainly manipulate the sanction regimes according to their geopolitical and hegemonic interests, including the well-known cases of Libya — whose sanctions have not been permanently lifted although it is in full compliance with Council resolutions — and of Iraq, whose children continue to die as a result of sanctions in spite of the acknowledged progress that has been achieved.

It is not surprising, since the Security Council is an organ where developing countries are totally under-represented, that the 14 sanctions regimes hitherto implemented by the Council have been against countries of the developing world, without exception. Particularly illustrative is the fact that nearly 70 per cent of the sanctions regimes currently in force are concentrated in African countries.

Can anybody seriously argue that no developed country has ever threatened international peace and security in such a way as to justify the implementation of sanctions?

Did not the bombings that the North Atlantic Treaty Organization carried out for 79 days, less than a year ago in Kosovo, in flagrant violation of the Charter and in gross disregard of this Council, justify the immediate implementation of sanctions against the sponsors of such actions? It is obvious why the Council was totally incapacitated, unable to take action to sanction those who, with total impunity, breached the peace and in effect broke the mechanism of collective security derived from the Second World War.

This same Council cannot act or take any measure against a country that maintains a genocidal regime of unilateral sanctions against Cuba, violating the principles of the Charter and the most elemental norms of international law. The economic, financial and commercial blockade by the United States against Cuba is maintained not only outside the framework of the United Nations, but also in spite of being condemned for

seven consecutive years by this Organization's General Assembly.

In Geneva, the United States and its accomplices and lackeys devote so much rhetoric, so much hypocrisy to the issue of human rights and indulge in the dirtiest manipulations with regard to the
issue, while the United States blockade against Cuba constitutes a gross and flagrant violation of the Cuban people's human rights. Eleven million people see their fundamental rights to life violated just because they want to be free, only because they rejected the imperial dictate more than 40 years ago.

To guarantee that sanctions can act as a just and effective mechanism would also require the establishment of a genuine dynamic interrelationship between the Security Council and the General Assembly, pursuant to the provisions of the Charter. The functions assigned to the Assembly in matters of peace and security ought to be urgently strengthened, even more so as the reform of the Security Council is still a goal to be met.

Only once a year the General Assembly receives from the Security Council, in the form of faits accomplis, scant information of little use on the work of the Council in the area of sanctions. We strongly feel that the General Assembly should be given the chance to participate actively in the process of decision-making on the possible implementation of sanctions against a Member State and, later, on the follow-up to that implementation.

This could be accomplished through the consideration of special reports that the Council should submit to the Assembly in this connection. Unfortunately, what is established in Articles 15 and 24 of the Charter continues to be implemented selectively, and it would seem that there is no issue in the Security Council's opinion that would warrant submitting special reports.

We reaffirm once more our total rejection of the imposition of blockades whose consequences never achieve their goals, only taking a toll on and damaging peoples, in particular the most vulnerable sectors.

Sanctions regimes must have clear-cut objectives and must be immediately lifted when such objectives have been met. We also think that any attempt to use sanctions to totally change or modify a country's political or legal order or to resolve international disputes is illegal and in violation of international law.

Every sanctions regime must include specific and appropriate measures to make sure that the affected population has the necessary humanitarian assistance and is not deprived of the rights to life, food and health.

Sanctions regimes must be subject to periodic reviews and be adjusted in accordance with the humanitarian situation in the sanctioned State. In addition, substantial modifications are required in the working methods of the sanctions committees of the Security Council, presently characterized by the same distortions seen today in the decisions and procedures of the Security Council, including the lack of transparency.

The fact that we advocate a comprehensive reform of the Security Council and the re-establishment of the balance of functions between this organ and the General Assembly as basic prerequisites for the sanctions regimes to function in accordance with what is envisaged in the Charter cannot be construed as an invitation to stand idly by in the present situation. On the contrary.

The Council must immediately listen to Member States' demands concerning the need to draft clear-cut and concrete criteria for the imposition, implementation and lifting of sanctions.

The report of the Secretary-General on the Millennium Assembly mentions instances of some countries that have allegedly worked in the interest of making sanctions humane. However, it is also important to recall that, for various years the countries of the Non-Aligned Movement — which, by the way, are the majority in this Organization — have reiterated a wide-ranging set of proposals on the implementation of sanctions by the United Nations, and these have been included in many documents and statements.

We sincerely hope that those proposals are duly taken into account in all future discussions on the issue of sanctions, including in the informal working group to be established today by the Security Council.

The President: I thank the representative of Cuba for his kind words addressed to me, if not to the alliance to which my country and four other members of the Council belong.

In accordance with the decision taken earlier in the meeting, I invite the Permanent Observer of Switzerland to the United Nations to take a seat at the Council table.

Mr. Staehelin (Switzerland) (*spoke in French*): First of all I would like to thank the Canadian delegation, and you personally, Mr. President, for placing this important issue on the agenda for an open debate in the Security Council.

Over the last few years, as we all know, the number of sanctions regimes imposed by the United Nations has increased significantly. Targeting sanctions against elites, Government officials and selected entities has been identified as an important objective in order to strengthen their effectiveness and to lighten their undesirable side effects. In this respect, the idea of better targeting of financial sanctions has been given particular attention.

Switzerland, as a non-Member, applies United Nations sanctions autonomously. In this way, it joins the efforts of the United Nations to maintain and promote peace and security. One of the concerns of my Government is to make sanctions more effective and at the same time to minimize the negative humanitarian consequences that comprehensive sanctions regimes may have on the civil population.

As a financial centre with specific expertise and skills, Switzerland has a particular interest in the question of financial sanctions. We are aware that only a coordinated effort of all the main actors can help to achieve the desired political objectives. Switzerland has therefore, for two consecutive years, organized expert seminars on targeted financial sanctions. These meetings have made it possible to examine, in an informal and technical context, specific proposals to improve the administration of sanctions. These seminars, known as the "Interlaken process", have established a place for dialogue among representatives of national Governments, central banks and the United Nations Secretariat, as well as of the private banking sector and the academic world. The Interlaken discussions have shown that targeted financial sanctions are an effective instrument for directly targeting the decision makers in countries subject to sanctions regimes.

However, financial sanctions alone are not enough to influence the behaviour of these Governments. Such sanctions must be integrated into an overall strategy and accompanied by other targeted measures, such as arms embargoes and travel and visa restrictions. The choice of kinds of sanctions and the modalities for their application depend on a meticulous analysis of the vulnerability of the targeted country as well as of its elite. Furthermore, the political will to maintain these measures over the long term is essential.

The Interlaken seminars basically cover the practical and technical aspects of the measures to be taken so as to ensure their effectiveness. I should like to refer so some of the results achieved at Interlaken. First, greater knowledge has been gained of the functioning of the instrument of financial sanctions and of certain technical aspects, including data collection with regard to the economic and financial profile of the targeted country, the role of offshore centres and technologies for monitoring the flow of funds.

Secondly, standard language and definitions have been drafted, which should facilitate the work of the Security Council when negotiating the text of a draft resolution. Thirdly, technical guidelines have been drawn up enabling the better implementation of sanctions by Member States. Fourthly, model laws have been developed, which should make it possible for Member States to draft their national legislation relating to financial sanctions. Fifthly, an informal mechanism for international cooperation between national Governments, the financial sector and the academic world has been established.

The main conclusion of the Interlaken seminars is that targeted financial sanctions are technically feasible, but that concrete measures are required at the national and international levels, as well as in the United Nations Secretariat, to make the sanctions more effective.

Interlaken has shown that the technical and practical elements for the implementation of targeted financial sanctions are available to the Security Council. Above all, therefore, the question now is how to mobilize political will so as to translate these elements into action.

The President: I thank the Permanent Observer of Switzerland for the kind words he addressed to me.

The next speaker is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Hasan (Iraq) (*spoke in Arabic*): Allow me at the outset to express to you, Mr. President, our sincere thanks for convening this meeting to consider the issue of sanctions, which has become a source of concern for the entire international community, especially in the past decade — the "decade of sanctions", as it has come to be known.

With the collapse of the socialist bloc at the end of the 1980s, the world became unipolar: the United States of America, with its use of illegitimate means to affect international decision-making, has been able to impose its views and priorities on the United Nations, including through its extremist use of sanctions. In the period from the creation of the United Nations to 1990, the Security Council resorted to sanctions on only two occasions: once against the racist regime of Rhodesia, and once against the regime in South Africa. Between 1990 and 1997, sanctions were imposed against 11 States. The majority of those sanctions were imposed in implementation of United States policy. The United States has used the United Nations as part of its diplomatic arsenal. Indeed, that fact was stated by Senator Jesse Helms before the Security Council on 20 January this year.

The United States inaugurated its first-ever act of hegemony over the United Nations on 6 August 1990 by imposing comprehensive sanctions against Iraq in resolution 661 (1990) — merely four days after the events of 2 August 1990 — without providing the slightest opportunity to resort to peaceful means to resolve the issue. Those comprehensive sanctions were unprecedented. They will perhaps remain unique in the history of the United Nations and the Security Council. Those sanctions prohibited an entire State from all forms of import or export. The exception provided for in resolution 661 (1990), for medical and food supplies, had no practical application, because Iraq is prohibited from exporting any products that could earn the hard currency necessary to cover the cost of food and medical imports.

Among the reasons why the United States of America was able to impose its sanctions policy in the Security Council was the absence of any checks or balances in the Charter of the United Nations limiting the excessive use of sanctions. Article 41 of the Charter includes a general provision relating to coercive sanctions, but no other Article in the Charter clearly provides for any control over the use of this blunt instrument. The comprehensive sanctions imposed on Iraq have led to a humanitarian tragedy: the deaths of more than 1.5 million Iraqi civilians. The sanctions have destroyed the infrastructure of the economy and the foundations of life in general in Iraq.

Paragraphs 17 to 27 of the second annex of Ambassador Amorim's report to the Security Council dated 30 March 1999 (S/1999/356) provide a detailed picture of the catastrophic effects that sanctions have had on all aspects of life in Iraq, including the serious decrease in Iraq's gross domestic product and a reduction in per capita income. These effects include the severe increase in mortality rates, particularly among mothers and children; severe malnutrition among a large proportion of children; grave deterioration in infrastructure, particularly water supplies, sanitation networks, electricity grids, hospitals and medical centres; shrinking of registration of children in schools to 53 per cent — a cultural and intellectual paucity as well as the destruction of the social fabric in general.

Ambassador Amorim in his report concludes that the humanitarian situation in Iraq will remain in its painful condition unless considerable revival takes place in the Iraqi economy that, in turn cannot take place through palliative humanitarian efforts alone.

Furthermore, many international reports have described the catastrophic effects of sanctions against Iraq in detail, including reports by specialized United Nations agencies such as United Nations Children's Fund (UNICEF), as well as by non-governmental organizations and also by those working in the field, including Mr. Denis Halliday, Mr. Hans Sponeck, Mrs. Burkhardt and, indeed, many others.

In dealing with the lack of any checks in the Charter against the indiscriminate use of sanctions, former Secretary-General Boutros Boutros-Ghali recommended a study of the issue. An open-ended working group presided over by the Ambassador of Brazil, Mr. Amorim, was established, and the General Assembly adopted its recommendations in resolution 51/242 on 15 September 1997.

It is truly regrettable that the Security Council failed to take up any of the working group's substantive recommendations aimed at reforming current or future sanctions regimes, and specifically the comprehensive sanctions imposed against Iraq. The group's recommendations remained a dead letter. Foremost among them were the following: a specific time-frame should be set for sanctions regimes; the Security Council should precisely set out the steps to be taken by the targeted country for sanctions against it to be lifted; and efforts should be made to enable targeted countries to obtain appropriate resources and procedures to finance humanitarian imports. The objective of sanctions is to modify the behaviour of the country under sanctions, not to punish or otherwise exact retribution. The working group also recommended that there be consideration of the grave negative effects of sanctions on the abilities and activities of targeted countries in the field of

development; the Security Council should submit regular reports to the General Assembly on the status of specific sanctions regimes; measures should be adopted in response to the expectations raised by Article 50 of the Charter; and, finally, targeted countries should be enabled to exercise their right to express their viewpoint before the sanctions committees.

Thereafter, the President of the Security Council prepared a note on 29 January 1999, document S/1999/92, recommending limited improvements to the working methods of sanctions committees. However, those recommendations did not tackle the foremost problem, which is that the activities of these committees are based on the rule of unanimity. In practice, such a rule allows any member of a committee to exercise a veto, to prevent a decision agreed upon by the other fourteen members. This happens in contravention of the most fundamental rules of democracy, not to mention the principle of collective responsibility.

Such a practice has allowed the United States of America to place a hold on $1.8 billion worth of humanitarian contracts under the oil for food programme, for political reasons to boot. Furthermore, that practice prevented the Committee from reaching agreement on many ways to improve its working methods. Although limited, the proposed improvements in the recommendations found no reflection whatsoever in the sanctions Committee on Iraq.

As an example, many international bodies, many humanitarian organizations and specialized agencies in the United Nations have submitted studies on the catastrophic effects of sanctions imposed against Iraq. However, it seems that the Iraq sanctions Committee was the last to listen. That Committee further continued to work behind closed doors, and because of a United States veto it refused to invite the Permanent Representative of Iraq to clarify Iraq's position vis-à-vis the issues before it. Furthermore, the Committee refused to provide its agenda or summary records to Iraq.

It is regrettable that the current Chairman of the sanctions Committee on Iraq has preconceived positions vis-à-vis Iraq that reflect on the way he presides over the Committee. Sometimes he is more royalist than the American king himself. I do not believe that I am really telling any member of the Security Council anything new in this regard.

When the Security Council imposes coercive measures against States, it must keep in mind the interconnectedness of international obligations and responsibilities according to international treaties and conventions which as a whole are an integral source of international law as well as international humanitarian law. In the case of Iraq, the United States has forced the Security Council to impose comprehensive sanctions that are in contradiction to many international treaties and conventions, including merely as an example, the Convention on the Prohibition and Punishment of the Crime of Genocide, of 1948, which defines genocide as acts perpetrated with intent to destroy, in whole or in part, a national, ethnical or religious group through the killing of individual members of the group, causing physical or psychological harm to members of that group or the imposition of living conditions on that group leading to its physical destruction in whole or in part. According to that definition, the comprehensive sanctions imposed against Iraq are a crime of genocide by any standard.

Secondly, the Universal Declaration of Human Rights, article 25, paragraph 1, provides that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family".

Thirdly, the International Covenant on Economic, Social and Cultural Rights, article 1, paragraph 2, provides that "In no case may a people be deprived of its own means of subsistence."

Fourth is the 1949 Geneva Conventions and their Protocols. Article 54, paragraph 1, of the first Protocol provides that "The starvation of civilians shall not be used as a means of war."

Fifth is the 1959 Declaration on the Rights of the Child and the 1989 Convention on the Rights of the Child.

Today some circles are floating the idea of replacing the current sanctions regime against Iraq with a smarter one. This call is ill-intentioned. It has no basis in reality. Among other objectives, it is aimed at entrenching the sanctions and rendering them an objective in and of themselves. This is an attempt to rewrite the Security Council decisions and to turn Iraq into a permanent laboratory of sanctions regimes. Sanctions were imposed against Iraq through Council resolution 661 (1990) because of the events in Kuwait. Thereafter the issue of weapons of mass destruction was added in resolution 687 (1991).

Iraq has satisfied the requirements of both resolutions. Iraqi forces withdrew from Kuwait on 28 February 1991. The issue of weapons of mass destruction has been settled for years. The now defunct United Nations Special Commission (UNSCOM) and the United States of America have been unable to provide one iota of truth to the contrary. The latest testimony to that effect comes in the statements made by the former inspector, Mr. Scott Ritter, to the journalist John Pilger in a programme aired by the British ITV channel on 6 March 2000. A copy of the videotape has been distributed to Security Council members. Scott Ritter, certainly no friend of Iraq's, stated the following:

> "In 1991 Iraq had significant capability in areas of chemical weapons, biological weapons, nuclear weapons production capability and long-range ballistic missiles manufacturing capability. But in 1998 the chemical weapons infrastructure had been completely dismantled or destroyed by UNSCOM or by Iraq in compliance with UNSCOMS's mandate. The biological weapons programme had been declared in its totality late in the game but it was gone. All the major facilities were eliminated. The nuclear weapons programme was completely eliminated. The long-range ballistic missile programme was completely eliminated. All that was left was the research and development and manufacturing capability for missiles with a range of less than 150 kilometres, a permitted activity. Everything we set out to destroy in 1991. The physical infrastructure had been eliminated. So if I had to quantify Iraq's threat in terms of weapons of mass destruction, the real threat is zero, none."

Mr. Ritter added:

> "We should reformulate that mandate to qualitative disarmament. Does Iraq have chemical weapons today? No. Does Iraq today have long-range ballistic missiles today? No. Nuclear? No. Biological? No. Is Iraq qualitatively disarmed? Yes."

That testimony by a senior UNSCOM inspector who undertook both inspection and espionage in Iraq, a person fully knowledgeable about the ethos of former Iraqi programmes, is sufficient to make clear to Security Council members and the international community that what ought to be looked into now is lifting the sanctions imposed on Iraq, not to replace or suspend them with unjust conditions. Sanctions kill 7,000 Iraqi children a month. Sanctions are destroying the fabric of an entire society. The sanctions and the organized destruction undertaken by the United States and the United Kingdom against Iraqi civilian establishments through continuing acts of aggression and no-fly-zones and the environmental and health catastrophe resulting from the use of depleted uranium against Iraq during the Gulf War are all elements of the gravest crime against mankind in the modern times. This crime must cease immediately.

Let me take this opportunity to make an appeal to all the countries of the world. Sanctions against Iraq were imposed by members, in accordance with paragraph 1 of Article 24 of the Charter, through which you authorized the Security Council to act on your behalf. You have a legal and moral duty to take this authority away from the Security Council because it has used its authority to perpetrate a crime of genocide. Whoever of you does so will absolve himself of the responsibility of having a hand in the genocide of an entire people. You will thus help in maintaining the credibility of the United Nations in accordance with the Charter. This may also help the United States to become fully aware of its crimes, take the correct road in international relations and respect the United Nations Charter.

Nations and States throughout the world have begun to heed our appeal, as reflected in a recent letter by Russian parliamentarians addressed to the President of the Security Council. Moreover, members of the European Parliament have called for the immediate lifting of the sanctions imposed against Iraq. I do not believe that anyone in the world can today justify their immoral silence in the face of this crime by claiming that they see no evil or hear no evil.

That is our message to the Security Council, and we hope and trust that the Council will respond to it.

The President: The next speaker is the representative of the former Yugoslav Republic of Macedonia. I invite him to take a seat at the Council table and to make his statement.

Mr. Čalovski (The former Yugoslav Republic of Macedonia): Let me first say how pleased my delegation is to see you, Sir, the representative of Canada, presiding over this important meeting. I thank you for organizing this meeting on such an important and topical subject.

The views of my delegation coincide with those expressed by the representative of Portugal speaking on

behalf of the European Union. As members will see from what I am going to say, the focus of my statement will be Article 50 of the United Nations Charter.

The implementation of Article 50 of the Charter has enormous political, economic, social and humanitarian importance for many Member States and is very relevant to the credibility of the United Nations and, in particular, of the Security Council. We regret the non-implementation of Article 50, and we are very much concerned that essentially nothing is being done by the international community or by the Security Council with respect to its implementation.

We are, however, pleased by the decision to establish, on a temporary basis, an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions. We hope that these recommendations will not neglect Article 50 of the Charter.

The non-implementation of Article 50 of the United Nations Charter has negatively affected the Republic of Macedonia in a very substantial way over the past 10 years. The negative effects of sanctions are a main obstacle to the already difficult development of our economy and the main cause of social and humanitarian problems. The situation is worse because all our neighboring countries are also affected negatively by the United Nations sanctions. The wars in Slovenia, in Croatia, in Bosnia and Herzegovina and most recently in Kosovo, as members know, have negatively affected the development of our region and the situation of my country, the Republic of Macedonia. The sanctions have thus made the situation much more difficult.

All this of course is not unknown to the international community, to the United Nations or to the Security Council. The present frustrating situation in which nothing is being done on the implementation of Article 50 cannot be explained by ignorance. The Security Council must insist on adequate compensation to the victims for the non-implementation of Article 50. That should be seen as a main duty of the Security Council. In our view, it is important that the Council decided to organize this debate. We hope that the follow-up of the debate will lead to concrete undertakings.

The subject before the Security Council today should not be viewed as a matter of importance to only a few countries. In our view, it is a problem of global importance, and not only for the Organization and for this body, but in a much wider sphere. It is not only important to request Member States to concur with the implementations of the sanctions adopted under a given Security Council resolution; from the point of view of Member States negatively affected by the sanctions, it is much more important that they be compensated, particularly if the Security Council expects Member States fully to comply with the relevant resolutions on sanctions.

Article 50 of the Charter contains a very clear request. I am not going to read it out, in order to save time. In our view, the following should be done on the implementation of Article 50 of the Charter. First, the Secretary-General, before the Security Council opts for a decision on sanctions under Chapter VII of the Charter, should prepare an analytical study of the negative effects of that decision on the political, economic and social situation of the countries concerned which could be negatively affected by that decision. That analytical study should be prepared in consultation with the countries concerned which, as I said, could be negatively affected. In that regard, it can go without saying that the Secretariat should be staffed with qualified personnel to prepare such an analytical study, on the basis of which the Security Council could make its decision without hesitation. I would like to add that I appreciated Mr. Prendergast's statement in that regard.

Secondly, in a draft resolution to be adopted by the Security Council containing sanctions there should as a rule be a specific request addressed to the World Bank, the International Monetary Fund, the European Bank for Reconstruction and Development and other similar banks to undertake projects with the aim of alleviating the negative effects of the sanctions on the countries concerned which could be negatively affected by them.

Thirdly, at the same time, all Member States should be requested in the draft resolution to contribute to the compensation effort to alleviate the negative effects of the sanctions on the countries concerned which, as I said, could be negatively affected by the sanctions resolution.

Fourthly, the draft resolution should request the Secretary-General to make a special appeal for compensation for the negative effects upon countries which could be negatively affected and to organize for that purpose one or more financial donor conferences, which is a very important element.

And fifthly, it can go without saying that in all these matters the Security Council should consult the General Assembly and the Economic and Social Council, and that the Secretary-General should consult other relevant bodies

of the United Nations system. If there is political will, it will not be difficult to agree on an adequate mechanism.

In our view, further hesitation to tackle this issue is of great concern to a large number of Member States. At the same time, that hesitation really discredits the relevance of the Security Council. However, as you know, Mr. President, it is never too late for a positive move by the Security Council. We therefore hope that the body that the Council is going to create will be an important mechanism for helping the Council to take on this issue effectively, in accordance with the provisions of our Charter.

The President: I thank the representative of the former Yugoslav Republic of Macedonia for his kind words addressed to me.

The final speaker inscribed on my list is the representative of Turkey. I invite him to take a seat at the Council table and to make his statement.

Mr. Göktürk (Turkey): I shall indeed be brief at this late hour.

This open debate on general issues relating to sanctions is indeed appropriate and timely. We commend Canada, a country known for its earnest efforts to strengthen international cooperation, for having taken this initiative.

It is in fact the duty, as well as the right, of the Security Council to take stock of the sanctions it has initiated on behalf of the entire United Nations membership and to see if they are on their intended course. Turkey regards sanctions as a fundamental component of the collective actions taken by the international community to restore peace and stability, as provided for under Chapter VII of the United Nations Charter, and plays an important part in their implementation. Sanctions regimes have taken an even more prominent role in the course of the past decade. Yet we cannot equally say that they have commensurately become more effective.

The effectiveness of sanctions, in our understanding, has two crucial aspects. The first aspect is whether sanctions applied to a specific regime or area serve their intended purpose. This, in turn, raises the question of whether the sanctions are properly targeted, on the one hand, and whether there is compliance by all, on the other. In his millennium report, the Secretary-General draws attention to the deficiencies in this respect. As the Security Council has become increasingly capable of acting under the collective security provisions of the Charter, this is the right juncture to devise ways to render sanctions more focused, sparing populations and their future generations from further devastation.

The second aspect concerns international cooperation on implementing sanctions. When the Security Council uses its power, it does so on the premise that its decisions will invoke collective obligations and burden-sharing on the part of the full United Nations membership. Therefore, the collateral effects of sanctions on third States, and especially the uneven burden they place on the countries neighbouring the target State, are an issue that must be addressed resolutely. Turkey, for one, suffers immense economic and social losses resulting from its adherence to the sanctions regime directed towards one of its neighbours. Turkey's consequent application under Article 50 of the Charter remains before the relevant sanctions Committee of the Council.

It is worth mentioning here the valuable work done so far by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Practical ideas to alleviate the burden shouldered by third States — ranging from according commercial exemptions and concessions and asking the views of the affected States to giving priority to contractors

of third States for the humanitarian investments in the target States — have been formulated over the years. These are also at the disposal of the Security Council as it embarks on improving the sanctions system of our Organization.

The President: I thank the representative of Turkey for his kind words addressed to me.

There are no further speakers inscribed on my list. I would, however, like to thank non-members and members of the Council alike for their vigorous and imaginative participation in this debate. Your ideas and suggestions will very usefully inform the deliberations of the newly established working group that we have set up within the Council. On behalf of the members of the Council, I am grateful for such views.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 8 p.m.